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Official Records

President: Mr. Insanally .... (Guyana)

The meeting was called to order at 3.20 p.m.

Agenda item 36 *(continued)*

Law of the sea

- (a) **Report of the Secretary-General (A/48/950)**
- (b) **Draft resolution (A/48/L.60)**
- (c) **Report of the Fifth Committee (A/48/964)**

Mr. Butler (Australia): It is seldom that a generation's work culminates in a moment in which we pause, take stock, and say "it is good, it is done".

In our search for a universal legal order for the world's oceans, we have reached such a moment.

On Friday 29 July 1994, the General Assembly will adopt the "Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982". This Agreement will create the conditions for universal participation in the Law of the Sea Convention, which will enter into force on 16 November this year.

In reflecting on this historic moment, our thanks and tribute extend to the many who have worked towards our common goal over the course of the last generation, commencing in the Seabed Committee of the General Assembly.

In November 1967, Ambassador Arvid Pardo of Malta called for a new legal status for the international seabed on the basis of justice among States and recognition of the finiteness of resources. This action launched into international legal discourse the principle of the common heritage of mankind. Now, 27 years and four negotiating processes later, we are on the verge of establishing an international regime to give life and form to that principle. At the same time, we will have secured a broadly supported system to deal with all the ways in which humanity interacts with the oceans.

The Third United Nations Conference on the Law of the Sea was the greatest single law-making conference ever. Many gave it life. Some of them are not with us today. The late Hamilton Shirley Amerasinghe of Sri Lanka presided wisely over the Conference. He would be pleased today. We Australians also remember gratefully the long-term leader of the Australian delegation, Keith Gabriel Brennan, who also did not live to see the achievement of the goal for which he worked so resolutely and in which he believed so deeply.

We would also like to thank those who have worked in more recent years for this goal: Ambassador Tommy Koh of Singapore, President of the Conference; the former Secretary-General, Mr. Javier Pérez de Cuéllar, and the Secretary-General, Mr. Boutros Boutros-Ghali, both of whom provided the support and resources necessary for us to find a solution. Dr. Carl-August Fleischhauer, Mr. Hans Corell and Mr. Jean-Pierre Levy similarly deserve our recognition.

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum. When the result of a recorded and/or roll-call vote is followed by an asterisk, see annex to the record.

Ambassador Satya Nandan, as Under-Secretary-General for Ocean Affairs and the Law of the Sea, and later as representative of Fiji, was pivotal in bringing together the various interest groups and helping forge the agreement before us.

I am proud to announce that Australia has joined the sponsors of this draft resolution, and will sign the Agreement immediately upon its opening for signature. That signals our strong support for this Agreement and the Law of the Sea Convention.

In addition, Australia expects to deposit its instruments of ratification of both the Law of the Sea Convention and the Agreement by mid-October. Thus, Australia will become an original party to the Law of the Sea Convention. We see this as the best way of expressing our good faith in and our commitment to the functioning of the Convention regime. We urge others to join us in supporting the draft resolution and becoming parties to both the Convention and the Agreement as soon as their respective constitutional frameworks allow it. In the meantime we, as a State party to the Convention, will warmly welcome the participation in the new system of those States which may be able to become parties at a later time.

It is typical of multilateral negotiations that no participant will feel entirely satisfied with the results. Such feelings can be amplified when negotiations are conducted under the constraints of an immovable deadline. But it is fair to say that the Agreement before us represents the best possible reflection of the collective will of the international community at this time. We appeal to all States, particularly those that may still have some misgivings, to support the draft resolution and to participate in the new regime together with the great majority of the international community.

There is one question that all of us must ask ourselves: is it in our interest to join in the Convention regime, which is assuming the contours of genuine universality, or is it better to stay outside? We Australians are convinced that a comprehensive analysis of the overall costs and benefits of participation, such as we have undertaken, can lead to only one answer: the interests of each individual State and those of the international community are best served by joining in this system, a system which establishes a stable framework for maritime zones, the protection and preservation of the marine environment, navigation, overflight, marine scientific research, fisheries conservation, assured access to the sea for land-locked States and the establishment of the common heritage principle for the seabed area beyond national jurisdiction, as well as a flexible and innovative system of peaceful dispute settlement.

We look forward to working in partnership with other States in the International Seabed Authority, which will come into existence with the entry into force of the Law of the Sea Convention. Consistent with our active role in the Law of the Sea over the decades, we pledge to contribute towards making the Authority work effectively, efficiently and in a manner consonant with its agreed functions. We further hope that the International Tribunal for the Law of the Sea, an important part of the Convention's dispute-settlement system, will be able to function effectively as soon as is practicable.

This draft resolution will pave the way for a universal legal order for the world's oceans. This in itself has immense meaning. But it will mean more than that. It will underline our common will to supplant arbitrary actions with the rule of law. It will guarantee that, should we disagree from time to time on specific issues, we will all be speaking the same language in seeking peaceful resolution of disputes relating to two thirds of the earth's surface. And it will reaffirm that we, working together in an increasingly multi-polar world, can agree on binding and concrete rules which will touch and improve the lives of all.

Australia commends this draft resolution to the General Assembly.

Mr. Keating (New Zealand): It is with particular personal pleasure that I participate today in this debate, both as a former participant in New Zealand delegations to the United Nations Conference on the Law of the Sea and also as one of those who gathered in Montego Bay in 1982 for the signing ceremony.

After 12 years of waiting, the significance of this occasion should not be underestimated. The 1982 United Nations Convention on the Law of the Sea ranks high up among the list of fundamental multinational legal instruments. It is one of a small group of treaties which can be considered second in importance only to the United Nations Charter itself.

For those of us who participated in the Third United Nations Conference on Law of the Sea, the process through which the Convention was developed was indeed a unique and edifying one. At no other time in history had a codification exercise as wide-ranging and ambitious been embarked upon. At the outset and during the various lulls when progress seemed elusive, it was difficult to believe that it would succeed in its task. But over the 14 years of negotiations the odds were defied and delicate compromises were reached on highly complex issues by countries with widely varying interests. With the exception of the concerns expressed over Part XI, the compromises reflected in the Convention have held until today.

For New Zealand and our close neighbours in the South Pacific, the Conference in many ways represented a coming of age. The sea is of considerable spiritual importance to our peoples. It is also of major economic significance, given the fisheries resources it provides. Our participation in the Conference and our efforts to ensure that our legitimate interests in the resources of the ocean and the sea were protected led to an enhanced sense of both our national and our regional identity and interests.

One of the most noteworthy aspects of the Conference was the extent to which it cut across the traditional political groupings of countries at the time. Developed and developing countries worked together on matters of common interest in a manner that had never previously been apparent. Tommy Koh, the President of the Conference, noted in this regard that,

> "we succeeded because we did not regard our counterparts in the negotiations as enemies to be conquered. We considered the issues under dispute as common obstacles to be overcome. We worked not only to promote our individual national interests but also in pursuit of our common dream of writing a constitution for the oceans."

Those words of Tommy Koh remind me of the friendships that were struck between delegations during the Conference, and these had positive consequences for cooperation among nations working within this Organization in the years that followed. For that, we here in the United Nations still owe a deep debt of gratitude to the Third Conference on the Law of the Sea.

The sense of disappointment which we, along with other countries, felt when the Convention failed to achieve a consensus and was put to the vote in 1982 have weighed heavily on us these past 12 years. We therefore welcomed very much the initiative in July 1990 of the then-Secretary-General, Mr. Javier Pérez de Cuéllar, in convening the informal consultations aimed at achieving universal participation in the Convention on the Law of the Sea. Today we celebrate the outcome of that initiative: an implementing Agreement which opens the way for general acceptance of the Convention.

I should like to take this opportunity to express our appreciation to the many current and former members of the United Nations Secretariat who worked so hard to keep the flame alive. We are all indebted to them for maintaining the momentum in these efforts to forge consensus on the seabed mining issue.

We also wish to pay tribute to the constructive efforts of the informal group of developing and developed countries, which provided a draft "boat paper", as it was called, as an invaluable basis for the draft resolution which we will adopt today. We were most appreciative of the efforts of members of the group to keep other delegations informed about discussions. The workings of this group were very much in the spirit of the various informal groups established during the Third United Nations Conference on the Law of the Sea. As former Under-Secretary-General for the Law of the Sea Bernardo Zuleta noted:

> "The Conference realized at an early stage that negotiations could not be effectively carried out in formal proceedings, and that because of the large number of participants and the sensitive issues involved, working groups would be needed and would be much more efficient than plenary meetings. Indeed, much of the elaboration process took place in smaller or more informal meetings, but always on an *ad referendum* basis to the larger and more formal groups and always on the basis of consensus."

It seems to me that there are some lessons we could well learn from that process and could continue to apply today.

We are particularly happy to see present today some of the personalities who were so instrumental in bringing the Third United Nations Conference on the Law of the Sea to its success. Some of these individuals have remained actively involved since then in developing the consensus on the implementing Agreement currently before us.

Among so many of them, I would like in particular to express our sincere gratitude to Ambassador Satya Nandan of Fiji. His untiring efforts and enthusiasm greatly assisted in bringing the quest for a solution to concerns over Part XI to a successful conclusion. It is most fitting therefore that Fiji - the first country to ratify the Convention - is the main sponsor of the draft resolution before us today.

The draft Agreement relating to the Implementation of Part XI represents a major achievement which should facilitate universal acceptance and consolidation of the Convention as a whole. I am pleased to advise the Assembly that New Zealand will sign the Agreement when it opens for signature on Friday, 29 July and, with respect to the Convention itself, in New Zealand procedures directed towards ratification are actively under way.

But we should not mislead ourselves into thinking that the action we are taking today represents the final step in the implementation of the provisions of the Convention. If the Convention is to continue to be relevant it will be important to ensure that all of its provisions are effectively implemented. While the provisions of the Convention provide a sound framework, it has become ever more apparent in recent years that the proper implementation of its provisions in a number of fields requires the elaboration of further, more detailed rules.

In particular, in the wake of the 1992 "Earth summit", the emerging challenges to the law of the sea regime in the environmental field have become more prominent. Many of these challenges have been highlighted in the annual reports on the law of the sea presented by the Secretary-General. We are aware of and welcome the work being pursued under the auspices of the International Convention for the Prevention of Pollution from Ships (MARPOL), the International Maritime Organization (IMO), the London Convention, the International Atomic Energy Agency (IAEA) and other forums to address marine pollution, hazardous wastes and radioactive wastes. These are all areas where a need has been identified to give further elaboration to the relevant legal regimes.

Another key example of the ongoing work to elaborate the law of the sea regime is the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, which commenced here in New York in July of last year. At the opening session of the Conference, the New Zealand Minister of Fisheries said:

> "Eleven years after its adoption, the United Nations Convention on the Law of the Sea is, more than ever, regarded as a singular achievement in the codification and development of international law. It is a vital safeguard for all States of the right to use ocean spaces and to benefit from the ocean's resources. But a decade's experience has shown that its provisions for high seas fisheries management have not, in general, been given practical effect".

The Minister added that the high seas Conference was

> "no less than a continuation of the international effort to bring order to the world's oceans in accordance with the Law of the Sea Convention".

If the integrity of the regime on high seas fisheries provided in the Convention is to be maintained, it will be essential to ensure that the Conference develops and reaches agreement on more specific rules designed to provide for the effective implementation of this regime. We urge all delegations to work to ensure that the Conference concludes this important work successfully.

Finally, New Zealand remains committed to working constructively to ensure that we are successful in achieving our long-standing goal of universal adherence to the Law of the Sea Convention. With the adoption of the draft resolution before us, a major step will have been taken towards that goal.

It is our hope that the consensus to be manifested in the adoption of the draft resolution will lead to a significant strengthening of the law of the sea regime in all its aspects.

Mr. Muthaura (Kenya): The 1982 United Nations Convention on the Law of the Sea is an important part of the global system of peace and security of which the Charter of the United Nations is the foundation. The Convention has been recognized as one of the most significant achievements of the United Nations since the Organization's establishment.

At the outset, we would like to thank the Secretary-General for the commendable report (A/48/950) on the outcome of his consultations on outstanding issues relating to the deep seabed mining provisions of the United Nations Convention on the Law of the Sea. The report provides insightful background to the issues and concerns that resulted in the impasse that had persisted since 1982 with respect to the deep seabed mining provisions of the Convention. At the initiative of the

Secretary-General, a series of informal consultations has been conducted since July 1990 with a view to resolving the issues that had been inhibiting certain States from becoming parties to the Convention. Our meeting today is the culmination of those efforts undertaken by the Secretary-General with the wide participation of all interested parties and groups. We are happy with the spirit of pragmatism with which the consultations were conducted. The outcome is indeed substantial and clearly demonstrates the willingness of the international community to overcome differences and obstacles that could hinder the realization of a just and equitable world order based on true solidarity between nations and peoples.

Kenya attaches great importance to the Convention on the Law of the Sea and played an active role in the protracted negotiations leading to its adoption in 1982. Therefore, the decision to participate in any form of negotiations that could lead to, or have the potential of, upsetting the balance which had been delicately and meticulously worked out as a package was not easy for States such as mine, which had already ratified the Convention.

But the situation that developed after 1982 threatened to erode the very delicate balance that had been achieved in the Convention. An overwhelming majority of States had signed the Convention, but less than a third, including only one from the developed industrial world, had ratified it. It had become apparent that a number of changes that had taken place in the political and economic spheres during the intervening period had a bearing on the deep seabed mining provisions of the Convention. Prospects for commercial production of minerals from the deep seabed, for instance, had receded to the next century, contrary to the expectations held when the Convention was being negotiated. The general international economic orientations have also undergone a considerable transformation. As the work of the Preparatory Commission has progressed, there has been a greater understanding of the practical aspects of deep-seabed mining as more information on them have become available. These changes, coupled with the evolution of international relations, have enabled many States, including those that have already ratified the Convention, to broadly accept the approaches to resolving outstanding issues contained in the draft implementation Agreement.

The draft Agreement before us is a significant milestone in our endeavour to preserve the principles enshrined in the Convention. The consensus reached once again underscores the universality and totality of the Convention. As we have stated before, the fundamental premise on which Part XI, relating to the deep-seabed mining regime, was negotiated - the principle that the ocean space and its resources are the common heritage of mankind - is as real today as it was when this process began 25 years ago. Full and faithful expression of this principle will be vital for the future of the Convention, which took so long and so much to negotiate.

We are witnessing the near completion of a journey started many years ago. The international community has invested a great deal of time, energy and resources in this process. We have had to prepare and wait longer than we had expected for the entry into force of this Convention. Now that the entry into force is only three and a half months away, it is the responsibility of all of us to commit ourselves to promoting economic and political policies that fully recognize that the governance and management of the oceans and their resources must be carried out for the benefit of all mankind.

My delegation looks forward to the inaugural meeting on 16 November 1994, when the Convention will come into force, and the subsequent launching of the International Seabed Authority. It is necessary that the secretariat of the Authority to be set up should be provided with sufficient resources to enable it not only to monitor developments in the scientific and technical fields but also to be able to assist in enhancing the capabilities of developing countries in such fields. We believe that this is an essential component if they are to be active partners in the orderly, sustainable development and conservation of the oceans and their resources and the progressive development of international law.

When I had the privilege of addressing this Assembly last year on the item on the law of the sea, I expressed our support for the efforts of the Secretary-General to achieve universal participation in the Convention through informal consultations. My delegation would like to take this opportunity to applaud these efforts resulting in the fruitful conclusion of the Agreement. We would also like to pay tribute to the Under-Secretary-General for Legal Affairs for his excellent work and the entire staff of the Division for Ocean Affairs and the Law of the Sea for their dedication in facilitating the conduct of these consultations.

Let me conclude by expressing our hope that the Convention will now attract the widest possible acceptance and that States will give it their full and concrete support by ratifying or acceding to it at the earliest possible opportunity. I also have the pleasure to inform the Assembly that Kenya is cosponsoring the draft resolution before us in document A/48/L.60 and that we shall be signing the implementation Agreement contained in the annex thereto.

Mr. Kalpagé (Sri Lanka): I am pleased to announce that Sri Lanka has ratified the United Nations Convention on the Law of the Sea. We consider the entry into force of the Convention on 16 November 1994 as an event of historic global significance.

First, the Convention has now codified complex issues relating to shipping and navigation, fisheries, communications, overflights, resource exploitation and conservation, environmental protection and maritime jurisdiction. This has provided for the first time a comprehensive, integrated basis for a rational and equitable management of the oceans, which cover nearly three fourths of our planet and exert a powerful influence on human life and well-being.

Secondly, the Convention was the culmination of a long, complex process in which often conflicting diverse national interests have been harmonized. This represents a clear victory for the United Nations in the field of international law and is a vindication of faith in multilateral negotiations. This is particularly important at a time when the reality of global interdependence is sometimes denied by myopic interests. That this collective victory can be shared by all, from powerful industrialized to developing countries and from land-locked to archipelagic countries, makes the achievement that much more remarkable.

Thirdly, though not perhaps readily evident, the Convention has had a beneficial impact on international security through its regulation of maritime activity and the dispute-settlement mechanisms it embodies to deal with - if not completely to avert - the clash of competing interests.

The current international climate favouring cooperation over confrontation has facilitated the critical negotiating success of recent months. This has led to the crucial consensus between developed and developing countries and the Agreement on Part XI of the Convention. The initiative of former Secretary-General Javier Pérez de Cuéllar and the continued efforts of Secretary-General Boutros Boutros-Ghali have proved fruitful in securing the participation of major industrialized States in the Convention for achieving universality. The services rendered by the Legal Counsel and the Division for Ocean Affairs and the Law of the Sea have, as always, been effective.

We thank Ambassador Satya Nandan, representative of Fiji and former Under-Secretary-General of the Division for Ocean Affairs and the Law of the Sea, for his introduction of draft resolution A/48/L.60. His long experience in matters of the law of the sea was evident in his very comprehensive introduction. Sri Lanka is pleased to cosponsor this draft resolution and will sign the Agreement immediately after its adoption.

Sri Lanka, an original signatory of the Convention, has been deeply honoured to have been part of this exercise in global cooperation. The pioneer contribution of the late Ambassador Hamilton Shirley Amerasinghe, former Permanent Representative of Sri Lanka and President of the Third United Nations Conference on the Law of the Sea, is part of history and needs little elaboration. However, I should like to read out an extract of a statement on the law of the sea he made to the General Assembly 20 years ago, in 1974, and which has special relevance today:

> "we must not let historians say, in the words of Simon Bolivar, that 'we ploughed the seas'; let us rather by our joint efforts and through the display of mutual understanding, cooperation, tolerance and good will permit history to record that we helped future generations to garner the wealth of the oceans for the benefit of all mankind with special regard to the interests and needs of developing nations and that we bequeathed to them to be held in trust for all time the common heritage of mankind to be shared and enjoyed in a spirit of fraternity and in complete peace and tranquility". (*A/PV.2263, p. 48*)

Sri Lanka has contributed to the development of new legal concepts. The concept of the exclusive economic zone, described as one of the revolutionary features of the Convention, with a profound impact on the conservation and management of ocean resources, emerged at sessions of the Afro-Asian Legal Consultative Committee held in Colombo in 1971.

The entry into force of the Convention this year will mark the climax of long years of patient negotiation. Yet 16 November would mark, in a more important sense, the beginning of a fresh approach to international activity in the oceans. Its success would require collective action of the highest order by all nations in the pursuit of common objectives. The Convention is a blueprint for collaborative approaches to give practical effect to the Pardo principle that the oceans of this planet constitute "the common heritage of mankind". This would entail working together towards the creation of a just, equitable order in the oceans. In practical terms, it would require the fruits of the new ocean regime to be made accessible to all rather than being confined to those with the means at hand to derive immediate advantage.

Much will depend on the political willingness and, indeed, determination, particularly of the industrialized States, to cooperate in the promotion of international technical and scientific exchanges in marine affairs. The flexibility and the spirit of accommodation demonstrated by the Group of 77 in the search for universality must be matched by a similar commitment and willingness to cooperate on the part of the developed countries, in making these mechanisms a practical reality.

There should also be support to ensure the effective functioning of the mechanisms for the settlement of disputes which would guarantee that peace and justice will prevail in the oceans, with the establishment of the International Tribunal for the Law of the Sea.

Part XI of the Convention offers a solid, viable basis for further cooperation in harnessing ocean resources for the benefit of all humanity. Individual nations thus have an obligation to promote the objectives enshrined in the Convention and to implement national policies and pursue interests within its broad framework. Sri Lanka, for its own part, has given effect to provisions of the Convention well before formal ratification. Sri Lanka has, for example, enacted legislation including the Maritime Zones Law (1976), the Regulation of Foreign Fishing Boats Act (1979) and the Maritime Pollution Prevention Act (1981), in practical support of the Convention.

Sri Lanka has also taken the initiative in the Indian Ocean area to give effect to the resolution on Development of National Marine Science, Technology and Ocean Service Infrastructure adopted at the Law of the Sea Conference. That resolution calls upon developing countries to establish programmes for the promotion of technical cooperation among themselves. It also urged industrialized countries to assist developing countries in the preparation and implementation of their programmes in these fields. In this context, the initiative for the Indian Ocean Marine Affairs Cooperation (IOMAC) is a regional cooperative venture that embodies the principle of cooperation among developed and developing countries in a major ocean area of the planet.

Significantly, at the political level, in an important confidence-building measure, the United Nations Ad Hoc Committee on the Indian Ocean, earlier this month, anticipating the entry into force of the Convention on the Law of the Sea, recognized that it would enhance "the prospects for mutually accommodative measures of cooperation on a regional as well as global basis".

The oceans offer both the promise of peace and development as well as the perils of conflict and confrontation. From the earliest of times, nations have perceived their security and welfare as being bound with the oceans. This has been so not merely in a military sense, but also in the more enduring sense of endeavours to harness the riches of the oceans to advance and sustain human well-being and to promote scientific, technical and cultural exchanges among nations. The recent awareness of maritime ecological factors affecting the future of the planet's life systems has also introduced an added imperative for adopting common approaches to ocean management. The Convention offers a framework within which to promote human development and security through a rational, equitable and sustainable ordering of ocean resources. Sri Lanka pledges its unstinting support for its implementation.

Mr. Tuerk (Austria): The Austrian delegation is very pleased to be able to participate in this resumed forty-eighth session of the United Nations General Assembly, which is once again dealing with the very important agenda item, "Law of the sea". I should like, first of all, to express my delegation's most sincere appreciation for the Secretary-General's report on his consultations on outstanding issues relating to the deep-seabed mining provisions of the United Nations Convention on the Law of the Sea, contained in document A/48/950 of 9 June 1994. We wish to congratulate and thank the present Secretary-General as well as his predecessor for having initiated and successfully concluded these informal consultations, which have resulted in the draft resolution and the draft Agreement, now before this Assembly for adoption, relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.

I also wish to express the most sincere gratitude of the Austrian delegation to the former Legal Counsel of the United Nations, Judge Carl-August Fleischhauer, and his successor Under-Secretary-General Hans Corell, for so ably conducting these often quite difficult consultations. Let me also not forget to mention the many dedicated members of the Secretariat who for many years have laboured before and behind the scenes to move us closer to our present success.

The Austrian delegation is pleased to have been able to make a modest contribution to the endeavours of trying to find generally acceptable solutions to the problems which have so far precluded universal acceptance of the Convention on the Law of the Sea. We are well aware of the fact that the present result could not have been achieved without the most constructive spirit displayed by all the participants in the consultations and without the experienced leadership and guidance of Ambassador Satya Nandan, who can rightly be called "Mr. Law of the Sea".

The General Assembly's adoption of the draft resolution - of which Austria is a sponsor - and the draft Agreement, both contained in document A/48/L.60, will constitute a historic moment in the United Nations efforts, spanning over decades, to codify and progressively develop the law of the sea. It now seems that a universally acceptable legal regime governing all the uses of the oceans is finally within our grasp.

As a prospective member of the European Union - and, we hope, a member by the beginning of next year - Austria wholly subscribes to the statement delivered by the representative of Germany on behalf of the European Union. Permit me to make a few additional observations on behalf of the Austrian delegation.

First of all, let me recall once again that the oceans, covering approximately 70 per cent of the surface of the Earth, have always played a significant role in the development of humanity, particularly as a vast area of communication, but also for satisfying nutritional needs. The great importance of the increasing varieties of uses of the seas has led to a growing tendency of coastal States to assert sovereign rights over maritime areas far beyond their coasts. An important factor in elaborating the 1982 United Nations Convention on the Law of the Sea was the heightened awareness that all the members of the international community, irrespective of their economic development or their geographical location, should be able to benefit from all the uses of the seas, including the exploitation of maritime resources; for all States, whether coastal or land-locked, share a common interest in the oceans and their resources.

Twelve years have now elapsed since the United Nations Convention on the Law of the Sea was adopted. The Convention has rightly been called the greatest milestone yet in the development of the law of the sea. On 16 November of this year it will enter into force, more than a quarter of a century after the endeavours to elaborate a new and comprehensive regime for the oceans were begun. Thus, we have now truly reached a historic juncture.

Since its adoption the Convention, though not yet in force, has already proven its enormous value. The fact that many of its rules have already become customary international law is evidence thereof. The interests of all the members of the international community will, however, best be served by a stable, unquestionable, universally accepted legal regime governing all the uses of this area covering two thirds of our planet.

Over the years Austria has consistently stressed that any regime for the seas must be based upon acceptance by all segments of the international community. We have pointed out time and again that a Law of the Sea Convention which was not adhered to by the major industrialized countries would remain a mere torso and could not realize the aspirations which originally engendered its elaboration: to form a just and equitable legal basis for the uses of the seas by all the members of the international community for their common benefit.

When I had the privilege to speak on behalf of the Austrian delegation in a plenary meeting of the forty-fourth session of the General Assembly on the agenda item "Law of the sea" on 20 November 1989, I pointed out that ways and means would have to be considered to adapt the deep-seabed mining provisions of the Convention in a pragmatic and flexible manner, taking into account, in particular, the changed economic circumstances since these provisions were first drafted. Since that time, furthermore, essential political circumstances have changed. All of these changes are adequately reflected in the draft Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, now before the Assembly for adoption. The adaptations regarding Part XI of the Convention, which the Austrian delegation has for years considered necessary in order to achieve the goal of universal participation in the Convention, have thus materialized.

The successful conclusion of the consultations of the Secretary-General on Part XI of the Convention has finally brought the international community within reach of the goal of ensuring the establishment of a feasible, universally acceptable system of deep-seabed mining. It is obvious that in the course of such a difficult negotiating process certain compromises had to be made. There are certainly provisions of the draft Agreement which might have been formulated differently and, from our point of view, in a better way. However, we share the evaluation that the flaws and deficiencies of the seabed mining regime which have so far precluded the adherence of industrialized countries to the Convention will be eliminated by this Agreement.

Let me add that Austria is also particularly pleased by the reference in the preamble of the draft Agreement to the importance of the Convention for the protection and preservation of the marine environment and to the growing concern for the global environment.

In concluding, I wish to recall that Austria has, since the very beginning of the negotiations on a new law of the sea, strongly advocated the principle of the common heritage of mankind. At the same time we have insisted that the system of implementing this principle must not impede its practical application by laying down conditions which would in fact prevent deep-seabed mining. We are all aware that at present commercial exploitation of the deep seabed is a rather distant prospect. Nevertheless, Austria believes that the present draft Agreement constitutes a good basis for administering the common heritage of mankind in a manner truly benefiting the members of the international community. Austria will thus sign this Agreement subject only to ratification. We are also looking forward to making a constructive contribution to the work of the organs of the International Seabed Authority.

Mr. Hage (Canada): Canada is extremely pleased to be able to sign the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea. This Agreement is the result of over four years of negotiations held under the aegis of the Secretary-General. Canada was an active participant in these negotiations and is a sponsor of the draft resolution to adopt the Agreement.

The poet Milton said, "They also serve who only stand and wait". Many in this Hall have been waiting for this occasion for some time - in some cases, three decades - to be able to witness what the international community has achieved: agreement on a universal constitution for the oceans in all their aspects. We should like to pay a tribute to those who served this cause over the years, from all parts of the world and from many different countries, both large and small. We are grateful to the Secretary-General and his predecessor for their foresight in convening the meeting which brought about this implementing text. We should also like to pay a tribute to the Legal Counsel, Hans Corell, his predecessor, Mr. Fleischhauer, and Ambassador Nandan in his role as Under-Secretary-General for taking on the task of organizing and chairing the consultations. We also recognize the contribution of a number of outstanding international civil servants - Jean-Pierre Levy and Dolliver Nelson, among others - who over many years have provided consistent assistance and guidance of the highest quality.

The text before us has updated the law of the sea Convention to reflect current world economic realities: both the imperatives of market principles and the fact that economically viable seabed mining will not be possible for many years to come. Most important, the principle of the deep seabed as the common heritage of mankind has been preserved, and the importance of environmental protection has been enhanced. The costs of the Authority are being controlled, especially in the initial years, as institutions, including the Enterprise, will evolve gradually until seabed mining actually begins.

The approval of plans for work is facilitated and will be non-discriminatory. The transfer of technology and production policies have been placed upon a sound commercial basis. The decision-making process has been improved, and cooperative arrangements will provide economic assistance to developing-country land-based producers.

As a strong supporter of the United Nations Convention on the Law of the Sea, Canada is particularly pleased that the successful conclusion of this draft agreement will enable a number of the countries that had concerns about Part XI to ratify the Convention itself, thus creating a truly universal legal regime for the oceans. The Convention is comprehensive, covering virtually every aspect of ocean use from navigation to marine scientific research, and every part of ocean space from territorial waters to the deep seabed beyond the limits of national jurisdiction.

One of the greatest achievements of the law of the sea Convention is the establishment of a framework for the preservation of the marine environment. While not perfect, the framework has been a model for environmental protection in other fields, and must be built upon in the years to come. Another significant accomplishment is the institution of a 200-mile zone giving coastal States special rights and jurisdiction, as well as imposing obligations, with respect to its living and non-living resources. In the area beyond that zone and the continental shelf, Part XI of the Convention, together with the draft Agreement we shall be signing, regulates the exploitation of the mineral resources of the seabed and subsoil.

In waters beyond 200 miles, the Convention sets forth basic principles for cooperation among States in the conservation and management of the living resources of the high seas, including straddling stocks and highly migratory species. We recognize that these provisions are general; they constitute the basis of a high-seas fishing regime, but one that has to be fleshed out and elaborated. The need for this elaboration has become critical in recent years as fish stocks all over the world have been depleted by overfishing.

It was for that reason that Canada was instrumental in convening the United Nations Conference on Straddling Fish Stocks and Highly Migratory Species. No nation can afford to stand aside and watch this vital food resource being depleted through lack of effective conservation and management. We are part of an ever growing group of nations advocating the adoption of a convention containing provisions that would make the law of the sea Convention itself more effective. In the post-Rio world, we want to see the oceans as a model of sustainable development.

The law of the sea Convention is a monument to international law, the development of the world order and cooperation among States. Yet it is not cast in stone. Like the constitution of a State, it must remain flexible and be interpreted and amended as circumstances change. The draft Agreement that we are to sign attests to the fact that in order to be effective the Convention must be adapted to new realities. Canada is a strong supporter of the Convention, which it helped to draft and from which it has already benefited. Canada hopes to be in a position to ratify the Convention shortly. We look forward to its entry into force and to being able to play a continuing role in the Convention's important institutions.

Mr. Valle (Brazil): The United Nations Convention on the Law of the Sea is undoubtedly a milestone achievement. Its legal impact is profound; its universal validity has become evident. Nearly 12 years ago, the Convention was adopted, establishing a comprehensive and balanced legal regime for the use of the oceans and their resources; in 1982 it was recognized as such by the overwhelming majority of States.

As the only legal instrument intended to govern all forms of human activity in areas covering two thirds of our planet, the Convention stands out as one of the most notable accomplishment in the history of the United Nations. It regulates a wide range of subjects, among many others the rights of States in interior waters, in the territorial sea, in archipelagic waters, in the contiguous zone, in the exclusive economic zone, on the continental shelf, in straits used for international navigation and on the high seas; the definition of baselines and of the outer edge of the continental margin and the delimitation of marine spaces between States with adjacent or opposite coasts; innocent passage, transit passage and freedom of navigation; the rights of land-locked and geographically disadvantaged States; the conservation and management of living resources; the protection and preservation of the marine environment; marine scientific research and the development and transfer of marine technology; and the settlement of disputes.

The Convention also establishes the regime for the area of the seabed and ocean floor beyond the limits of national jurisdiction and its resources, which are the common heritage of mankind.

Having ratified the Convention in 1988, Brazil is clearly committed to its purposes and principles and to its universal acceptance. A remarkable and comprehensive instrument like the Convention requires that the international community as a whole fully endorse its regime. Although forming an integral part of the Convention, the provisions of Part XI remained an obstacle to ratification or accession, particularly by developed States.

In order to find a solution to the problems related to the lack of universal acceptance of the Convention, in 1990 Secretary-General Javier Pérez de Cuéllar started a process of consultations, which gained momentum and which were intensified under Secretary-General Boutros Boutros-Ghali. A three-phase process can be identified in the light of the report of the Secretary-General: first, identification of the issues of concern; secondly, the drafting of specific language for the issues of concern, for which the information note of the Secretariat and the "boat paper" from some interested delegations were instrumental; and, lastly, the circulation of the draft agreement on the implementation of Part XI.

Brazil considers the draft agreement as a ingenious way to accommodate concerns of some delegations while ensuring the universality of the Convention. It seeks to establish a number of rules for the implementation of the provisions of Part XI and its related annexes and does not constitute a formal amendment to the text of the Convention. To interpret it otherwise would run counter to the need to preserve the integrity of the Convention, an objective to which my delegation attaches particular importance.

The word "implementation" was not chosen by accident. It reflects an awareness of the difficulties of amending the text of the Convention, which would pose legal as well as conceptual problems for many States, in particular those that have ratified the Convention.

The principle of common heritage of mankind translates into an institutional framework in which all States parties to the Convention are represented and which allows them to have a say in the rational management of the resources of the Area. Though a full-scale institutional framework for the period between the entry into force of the Convention and the first commercially viable operation would be unnecessary, Brazil believes that the main institutions envisaged by the Convention should be established and their functions clearly defined upon entry into force, an idea that is incorporated into the draft agreement.

The question of decision-making, one on which, in the course of the informal consultations, painstaking discussions were held, was satisfactorily settled through the provision that guarantees the necessary balance among the various groups of interests, steering clear of the establishment of a system of voting that could have jeopardized the process of decision-making of the Authority.

Brazil is cosponsoring the draft resolution before us, whose provisions will enable the 1982 Convention to become universally acceptable and therefore ensuring the full establishment of a balanced and comprehensive international seabed regime.

Brazil will be signing the Agreement on the implementation of Part XI in this resumed session of the General Assembly. Consistent with our domestic legal requirements, our consent to be bound by this Agreement will be expressed in accordance with article 4, paragraph 3 (b) - signature subject to ratification, and we will not apply it provisionally.

On 16 November 1994, in Jamaica, a sister country of the Latin American and Caribbean Group of States, the first meeting of the International Seabed Authority will be convened. Brazil will take pride in sharing this historic moment.

The results of four years of complex and intense negotiations are before the General Assembly. At the time the informal consultations were convened, there were some who felt that our main goal - the universalization of the Convention - was too ambitious and not attainable. We proved them wrong, and now the international community is in possession of a carefully crafted, balanced and comprehensive legal instrument that, we hope, will further strengthen the United Nations Convention on the Law of the Sea.

Mr. Yoo (Republic of Korea): The international community has recently witnessed the successful conclusion of the four-year long informal consultations on the law of the sea. On behalf of the Government of the Republic of Korea, I would like to express congratulations to those individuals who have been involved in the process. In particular, I would like to express my appreciation to Secretary-General Boutros Boutros-Ghali for his steadfast devotion to forging a new historic document in the area of the law of the sea. I also wish to express my thanks to the Legal Counsel, Mr. Hans Corell, whose dedicated efforts provided an invaluable contribution during the final stages of the negotiations. Last, but not least, I would like to pay tribute to the former Secretary-General, Mr. Javier Pérez de Cuéllar, who played an instrumental role in the establishment of informal consultations to achieve universal participation in the United Nations Convention on the Law of the Sea, and the former Legal Counsel, Mr. Carl-August Fleischhauer, who capably conducted the consultations on behalf of the Secretary-General before assuming his new post in the International Court of Justice.

With the conclusion of the Third United Nations Conference on the Law of the Sea in 1982, the United Nations Convention on the Law of the Sea was created. One of the main goals of this monumental maritime legal document was the establishment of a legal regime which governed the exploitation of the mineral resources of the deep seabed beyond the zones of national jurisdiction. Following the Convention's adoption, however, several nations voiced strong opposition to its deep seabed regime. Such disagreement among nations created shaky ground for the deep seabed regime as it stands in Part XI and relevant annexes of the Convention, and resulted in uncertainty for the regime from its inception. Despite its noble ambitions to strive for the benefit of mankind, the Convention's seabed system had been perceived as a stumbling-block to the earlier entry into force of the Convention.

Given the controversy which has surrounded the deep-seabed system, we are extremely pleased to see that the major differences have been resolved through the recent negotiations and that the universal application of the Convention will soon be at hand.

The Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, which is the outcome of the negotiations, along with the relevant provisions of the Convention itself, will serve as the guiding rules for future deep-seabed mining.

My Government firmly believes in the high value of the Agreement, primarily because of its realistic reflection of the new political and economic conditions which have emerged since the Convention's adoption in 1982.

With the simultaneous application of the Convention and the Agreement from 16 November this year, we will embark upon a new era of a universally recognized legal order for the oceans. Given the ever-increasing role of the oceans in all aspects of human life, the establishment of a universal legal regime as envisioned by the Convention has never been more important for a truly stable and peaceful world.

The Republic of Korea, one of the 159 signatories to the Convention, has actively participated in the work of the Preparatory Commission as well as the informal consultations. Since the mid-1980s, the Korean Government has carried out pioneer activities in the international seabed area of the north-east Pacific, as set forth in paragraph 1 (b) of resolution II. Upon the completion of its pioneer activities, the Korean Government applied for pioneer investor status last January, and the processing of its application is expected to be completed during the twelfth resumed session of the Preparatory Commission in August. The Republic of Korea, as a strong supporter of the stable legal order embodied in the Convention and a potential registered pioneer investor, is fully committed to the Agreement as well as the Convention.

The Government of the Republic of Korea is expediting the preparations for the ratification of the Convention. This process is well under way and is likely to be completed within a few months.

As one of the sponsors of the draft resolution on the Agreement, the Korean Government, ready to apply the Agreement provisionally pending its entry into force, will sign it as soon as the domestic processes are completed.

In closing, I would like to reiterate that my Government is well prepared to lend its full support for the stabilization of the international legal regime for the oceans, including the deep seabed mining system.

Mr. Anderson (United Kingdom): The representative of Germany spoken earlier today on behalf of the European Union. My delegation fully endorses his statement, and it is my honour to add some remarks on behalf of the United Kingdom.

As an island State with numerous overseas interests, the United Kingdom has always followed closely all aspects of the oceans, including therefore the law of the sea. Historically, in former times, the United Kingdom helped to shape those rules of law. But in the second half of the present century, it is this Organization - the United Nations - which has made the significant achievements in this field. The First Conference on the Law of the Sea in 1958 resulted in the adoption of four Conventions which the United Kingdom was able to ratify. The Third Conference, from 1973 to 1982, adopted what we regarded as a most valuable, comprehensive Convention on all aspects of the law of the sea.

It was therefore only after the most careful consideration that the United Kingdom decided that it was unable to sign the Convention, both in 1982 at Montego Bay and again in 1984 at the end of the period. The reasons for this reluctant decision were explained to Parliament in terms of Part XI. The costs of the system were too high; the arrangements for the Enterprise were also too expensive and bureaucratic. There was discrimination against the private sector. The arrangements for decision-making did not take sufficient account of the interests of industrialized countries. Mandatory transfer of technology was unacceptable. The concept of limiting production was contrary to the principles of the free market. The financial terms for contractors were considered to be too stiff. And so, in 1984, the decision of the Government as announced to Parliament ended with the hope that there could be further negotiations on these issues with a view to achieving a universally acceptable Convention.

It followed naturally from that statement in 1984 that the British Government welcomed the initiative taken by the then Secretary-General Pérez de Cuéllar to hold consultations in 1990 about the obstacles preventing universal participation in the Convention. My Government would like at this time to pay a tribute to the former Secretary-General for this initiative, as well as to the Under-Secretary-General at that time, Mr. Satya Nandan, who was also very much involved in organizing the consultations. We were also pleased that the present Secretary-General, Mr. Boutros-Ghali, decided to continue the consultations and we are grateful for the efforts of Legal Counsel Fleischhauer, Legal Counsel Corell and his colleagues Jean-Pierre Levy, Oliver Nelson and others, for their skills and the contributions they have made during the final stages of the consultations. The Secretary-General's report to this resumed Assembly on the outcome of his consultations concludes that there now exists a basis for reaching general agreement on the outstanding issues to do with Part XI.

The draft Agreement before the Assembly addresses the specific objections voiced by the United Kingdom in 1984. The Agreement puts forward solutions to these objections which we find generally acceptable. On 20 July, a week ago today, the Parliamentary Under-Secretary for Foreign and Commonwealth Affairs, Mr. Lennox Boyd, informed our Parliament that the United Kingdom had decided to sign the Agreement following its adoption and that we would also proceed at the appropriate time to ratify the Agreement and to accede to the Convention when the necessary procedures had been completed. The United Kingdom will apply the Agreement provisionally in accordance with article 7, paragraphs 1 (b), 2 and 3, with effect from 16 November.

The effect of the new Agreement, when it comes to be applied provisionally and when later it enters into force, will be to modify the effect of Part XI of the Convention. Although it does not textually amend Part XI, as the representative of Brazil just pointed out, there is still no doubt that the provisions which, in the words of the Agreement, are to apply supersede in effect those which are said by the Agreement not to apply. It will therefore be necessary for Governments, international organizations, including the International Seabed Authority, and international courts and tribunals - in fact, for all those concerned with international maritime affairs - to apply Part XI in the future in accordance with the terms of the new Agreement. In particular, it will be necessary for the Preparatory Commission to take account of the new Agreement in completing its report next week.

The adoption of this Agreement does not mean, of course, that all outstanding issues have now been totally resolved. In particular, the broad principles regarding costs to States Parties, contained in section 1 of the annex to the Agreement, remain to be worked out in practice in the new Authority and in the Fifth Committee of this Assembly. With so many other demands on the resources of the United Nations and its Member States - demands of a pressing humanitarian nature, including peace-keeping operations - we must be mindful of the need for economy. It remains our view that, in order to avoid unnecessary expense and to take account of the low level of activity and interest on the part of the deep seabed mining industry for the foreseeable future, it would be inappropriate to create a large Authority at this stage. The precise size of the Authority and the rate of growth remain matters for discussion in the appropriate organs. The United Kingdom will work with others of similar disposition to keep down the overall costs of the new institutions arising from the Convention.

Another outstanding issue concerns the transitional arrangements for certain of the registered pioneer investors. We trust this issue will be resolved in the Preparatory Commission next week in the light of the terms of the Agreement and bearing in mind that commercial production is unlikely to start for many years.

My delegation looks forward to the situation whereby the great majority of States in the world are bound by the Convention on the Law of the Sea, which will then stand alongside other major achievements of this Organization in the codification and progressive development of international law, such as the Conventions on diplomatic relations and the law of treaties. A universally accepted law of the sea Convention will greatly strengthen international peace and security, the maintenance of which remains the fundamental task of this Organization.

During the present century, certain years stand out in the history of the law of the sea: 1930, when the League of Nations held a Conference on the breadth of territorial waters; 1958 saw the first Law of the Sea Conference; 1967, as was mentioned by the Ambassador of Malta, saw the proposal of the concept of the common heritage of mankind; 1974 - when 20 years ago today many here were in Caracas at the very influential session of the Conference; 1982 saw the adoption of the law of the sea Convention. The adoption in coming days of the draft Agreement relating to the Implementation of Part XI can be seen as another milestone in this history of the development of the law of the sea. It marks the culmination of a process of legislation which has occupied the international community during the greater part of this century, a process in which many present today have participated over many years.

It is to be hoped that the 1982 Convention, as strengthened by the draft Agreement we hope will be adopted shortly, will together achieve universal participation. In that way, the international community will be able to enter the twenty-first century on a sound legal basis as regards the major part of the Earth - its seas and oceans.

Accordingly, my delegation has cosponsored the draft resolution so ably introduced by the Ambassador of Fiji this morning, and would like to urge other delegations to support it.

Mr. Balzan (Malta): Today we mark a turning-point in the history of the United Nations, an Organization set up nearly 50 years ago with the aim of achieving international peace and security. Since the very concept of security has been modified and is no longer limited to purely military considerations, the role the United Nations can and is playing becomes all the more relevant.

At the basis of security lies the notion of protecting the equal sovereignty of, and the sharing of common principles among, the diverse States within the international community. The continued evolution and enhancement of these common concepts forms the fabric of the international norms and standards that guide lawful international behaviour.

Nearly 30 years ago Ambassador Arvid Pardo, then Permanent Representative of Malta to the United Nations, addressed a distinguished audience such as this and launched a concept so universal in nature that it is no longer confined simply to legal and diplomatic circles but has moved into everyday use.

On 17 August 1967 Ambassador Arvid Pardo, on behalf of the Government of Malta, submitted a memorandum to the Secretary-General requesting him to include in the agenda of the twenty-second session of the General Assembly an item entitled: "Examination of the question of the reservation exclusively for peaceful purposes of the seabed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind".

The introduction of this concept was to become a fundamental block in the building of the United Nations Convention on the Law of the Sea, which was described by a former Secretary-General as the most important achievement of the United Nations system since the San Francisco Conference.

The principle of the common heritage of mankind was first put forward by Malta, a strategically important territory surrounded by the sea. Our historical and economic development, like that of many other States, is witness to the fact that the waters of this Earth continue to be not only a medium of communication in a practical and physical sense, but also, if not more importantly, a means of communication and understanding among peoples in a much broader conceptual framework.

Just as the seas since time immemorial have been navigated for conflictual purposes, so too the path to their recognition as a common heritage has been fraught with difficulty. It is in the nature of the evolution of international law that national interests differ. Yet, as a result of goodwill and laborious negotiations, compromises can be sought and achieved without sacrificing universal principles.

The adoption of the draft resolution and draft Agreement relating to the Implementation of Part XI of the Convention is the fruit of such a lengthy process of negotiation. We have good reason to be pleased at this outcome, thanks to which we can now witness the United Nations Convention on the Law of the Sea acquiring universal acceptance. This is no mean feat, and one must at this stage express gratitude to all those who have contributed towards the building of the consensus which is being registered today. The negotiations were complex and difficult, demanding flexibility from all to reach a solution that satisfies the legitimate concerns of all States that will be parties to this Agreement.

My delegation cannot but register its extreme satisfaction that the concept of the common heritage of mankind, as applicable to the seabed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, was not only retained but was reaffirmed throughout negotiations and in the text of the Agreement itself.

The very concept of the common heritage of mankind, revolutionary when first launched, remains an appealing one even today. It is a concept that brings contemporary notions of space and time together. More importantly, it provides an inherent link to the past as well as an intrinsic passage to the future, thus providing a new dynamic which helps overcome a static world view. The notion of a heritage provides the logic necessary for wider parameters in the assessment of the here and now. It has stimulated a world vision that no longer concentrates on present- day situations but transcends selfish concerns and looks to what lies beyond our immediate human condition.

The vision provided by such an initiative has expanded our conceptual parameters. More importantly, it has provided the impetus for a number of similar initiatives in other areas. The exploitation and use of outer space for peaceful purposes was recognized by the United Nations General Assembly as being "in the common interest of mankind". The characterization of climate change as the "common concern of mankind" was yet another initiative undertaken by Malta to maintain the momentum for such a bold principle. These are but two examples of the importance of, and support for, this future-oriented vision.

Reference to the concept of common heritage presupposes an underlying responsibility towards future generations. We have inherited a planet, and we are responsible for preserving it for our children.

In its milestone 1987 report, "Our Common Future", the World Commission on Environment and Development, known as the Brundtland Commission, emphasized the importance of environmental protection in the pursuit of sustainable development. The coining of such a term marked the reflection of the idea of shared responsibility and equality within and between generations. Sustainable development involves meeting the needs of the present without compromising the ability of future generations to meet their own needs.

The United Nations Conference on Environment and Development was convened in Rio in 1992 with the aim of spelling out an agenda to be implemented by national Governments in the interest of present and future generations. The linkage of that important Conference with the subject-matter on which we are deliberating today can be noted in the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, which declares that States Parties to this Agreement are

> "Mindful of the importance of the Convention for the protection and preservation of the marine environment and of the growing concern for the global environment".

The inherent responsibility towards future generations which is the twin concept to the notion of a common heritage of mankind is thus enhanced each and every time an aspect of this notion acquires universal acceptance.

What Malta launched in 1967 was the beginning of a far-sighted process, which should by no means end today. It marked the setting of a course that requires constant vigilance and periodic rejuvenation by means of new insights. These new insights necessarily demand a reassessment of the institutional frameworks which are to cater to contemporary needs.

It was in this spirit that the Deputy Prime Minister and Minister of Foreign Affairs of Malta, Professor Guido de Marco, during his presidency of the forty-fifth session of the United Nations General Assembly, pointed to the need for a "regeneration" of our Organization. He launched the concept of a second-generation United Nations, pointing to the changes needed to better reflect present-day realities.

During a statement delivered to the Economic and Social Council on 12 July 1991, Mr. de Marco stated:

> "Drawing lessons from the past does not make us fear the future. On the contrary, it should inspire us to continue strengthening the role of the United Nations in ensuring future generations the solidarity of a new world order where peace in freedom and economic development in social justice finally become the common heritage of mankind".

With this in mind, Mr. de Marco, as President of the General Assembly, first proposed the idea of a new and added role for the Trusteeship Council as a culmination and the logical conclusion of the common heritage concept. In his own words:

> "The Trusteeship Council should hold in trust for humanity areas affecting its common concerns and its common heritage. It could have a monitoring

> function on the protection of the environment, extra-territorial zones, climate and, of paramount importance, the rights of future generations. These we hold in trust for humanity, and the Trusteeship Council can be depository thereof".

My delegation's active participation in the informal consultations of the Secretary-General is testimony of Malta's commitment for the law of the sea.

My delegation cannot but welcome today's meetings. They constitute the coming to fruition of a notion close to our hearts and ever-present in our minds. It is a step towards the achievement of a more peaceful and secure world, one which not only cares for its present condition but has a pervasive consciousness of what lies ahead for future generations.

Mr. Rattray (Jamaica): This resumption of the forty-eighth session of the General Assembly is of historic significance. It serves to confirm the fundamental role of the United Nations in finding solutions to questions of universal concern, and it serves to confirm that the principles of the common heritage of mankind on which Part XI of the United Nations Convention on the Law of the Sea is based must continue to serve all times and all ages.

Twelve years ago a truly historic landmark in the history of international relations was achieved when the United Nations Convention on the Law of the Sea was adopted. For when 161 nations assembled in Montego Bay, Jamaica, on 10 December 1982 to adopt the United Nations Convention on the Law of the Sea it represented in a true sense a rendezvous with history. Never before had such a comprehensive effort been made to deal with all aspects of ocean space in a single convention. Never before had there been such universality of participation in the negotiation of a truly global convention. Never before had the challenge of a new international economic order been faced not merely by rhetoric but by practical and pragmatic solutions. And yet, in spite of the unprecedented 159 signatories to the Convention and now over 60 ratifications, the challenge to universality has continued to face us. Despite the overwhelming support for the Convention, we have not lost sight of the fact that a convention which is designed for mankind as a whole must secure the universal participation of mankind.

Our continued search for universality has in the past four years centred around a dialogue under the auspices of the Secretary-General aimed at addressing issues of concern to some States which have found difficulties with certain aspects of Part XI of the Convention. But that search for universality has always recognized that the integrity of the Convention as a whole must be maintained and that even the fundamental political, economic and social changes within the international community have in no way invalidated the fundamental basis of the Convention or the principles of the common heritage of mankind on which Part XI of the Convention is based. The results of our efforts under the auspices of the Secretary-General's consultations have now been brought to fruition in the draft resolution and draft Agreement relating to the Implementation of Part XI which have been presented to the Assembly today.

Mr. Ouedraogo (Burkina Faso), Vice-President, took the Chair.

It is significant that the fundamental premise on which the Convention was negotiated, namely, its unified character, has been expressly reaffirmed. It is therefore inadmissible to apply selectively the provisions of the Convention. The implementation Agreement which is to be adopted is essentially concerned with the manner of the implementation of the Convention and does not in any way derogate from the statement of principle that

> "the seabed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources of the Area, are the common heritage of mankind". *(United Nations Convention on the Law of the Sea, article 136)*

We welcome and support the adoption of the draft resolution and implementation Agreement because it provides an opportunity to secure true universality in the application of the United Nations Convention on the Law of the Sea. And it devises mechanisms for securing that universality even in advance of ratification by allowing for provisional application of Part XI of the Convention.

The evolutionary approach adopted in the implementation of the regime for the common heritage of mankind recognizes the need for a cost-effective Authority which takes into account the functional needs of the organs and subsidiary bodies of the Authority to discharge effectively their respective responsibilities at various stages of the development of activities in the Area. We regard this question of cost-effectiveness and cost-efficiency as relevant not only to the International Seabed Authority but to all organs within the United Nations system. Any attempt to single out the Authority as an object of cost minimization by itself would be discriminatory. We subscribe to the view that structure must follow function and that our legitimate concern for cost minimization must not be carried to such lengths as to deprive the Authority both quantitatively and qualitatively of the resources necessary to carry out its functions from time to time. For to do so would be a certain recipe for paralysing the realization of the common heritage of mankind. We must not lose sight of our vision of the common heritage of mankind as we forge the links which will secure universal participation in the Convention. We believe that the draft resolution and the implementation Agreement have struck the proper balance.

Let us recall that the common heritage of mankind is not subject to appropriation, is reserved exclusively for peaceful purposes and is to be developed, and the benefits distributed, with special regard to the interests and the needs of developing countries. The implementation Agreement must therefore be seen in this context, and it must have the capacity to adjust itself so as to address creatively the ongoing and contemporary needs of mankind as a whole.

The Jamaican delegation believes that the draft resolution and the implementation Agreement provide both a challenge and an opportunity to create a greater interdependence and indivisibility in the uses of ocean space and to preserve the fundamental basis of the package deal represented by the Convention.

Jamaica was among the first States to ratify the Convention and we intend to be among the first to sign the implementation Agreement, immediately upon its opening for signature.

It is with great pleasure that Jamaica cosponsors the draft resolution contained in document A/48/L.60. We commend it to all delegations, so that together we can look forward to the entry into force of the Convention on 16 November 1994 and to the inaugural meeting of the International Seabed Authority in Jamaica on that date.

Mr. Cardenas (Argentina) (interpretation from Spanish): I take great satisfaction in speaking on behalf of the Argentine Republic, during this resumption of the General Assembly's forty-eighth session, on the question of the law of the sea.

I say "satisfaction" because the purpose of these meetings is to complete the last stage of the long and difficult journey that began with the welcome initiative taken by the Secretary-General in 1990 in embarking on informal consultations on the Convention on the Law of the Sea. This initiative, it will be recalled, was designed to try to solve the outstanding problems, in order to achieve universal participation in the United Nations Convention on the Law of the Sea.

It was clear then, and is even clearer today, that if the Convention on the Law of the Sea were ratified by only a part of the international community, it would become a fragile instrument, incapable of establishing the stable world order in the marine environment that is indispensable if relations of cooperation and friendship between States are to be maintained and developed.

That aspiration to universality, together with the profound changes that have taken place on the international political and economic scene since the adoption of the Convention on the Law of the Sea, have made it necessary to reconsider the Convention's regime with respect to the exploitation of the seabed.

The outlook for mining the seabed was no longer the same. The economic and technical forecasts, which in the 1970s considered commercial exploitation imminent, now tended to put it off until the next century.

In this new political and economic context the informal consultations were begun. Argentina, convinced that Part XI of the Convention needed to be brought into line with the new international reality and that the obstacles impeding the participation of many States should be removed, took an active part in all phases of those consultations.

The upcoming entry into force of the Convention on 16 November 1994 has only strengthened this conviction by injecting a degree of urgency into the need to universalize the Convention on the Law of the Sea. In resolution 48/28 of 9 December 1993 the General Assembly itself recognized the historic significance of the Convention as an important contribution to the maintenance of peace, to justice and to progress for all the peoples of the world, and invited all States to renew their efforts to facilitate universal participation in the Convention.

Four years after the start of those informal consultations, we wish to express, first of all, our thanks to the Secretary-General for his wise initiative and for his report on the consultations, which gives a full account of their evolution in their various phases.

We also wish to express our satisfaction with the results achieved, which are manifested in the draft resolution and draft Agreement relating to the Implementation of Part XI of the Convention now before us for our consideration.

The provisions of the draft Agreement preserve the unified character of the Convention and the fundamental principle that the resources of the seabed beyond the limits of national jurisdiction are the common heritage of mankind.

At the same time, these provisions permit the regime of Part XI to be implemented in keeping with the new international climate, while also taking into account the trends towards market-oriented systems. Its content was the subject of long, difficult and impassioned negotiations, and the draft is based on broad consensus.

For all these reasons my Government, which has co-sponsored the draft resolution, also intends to sign the draft Agreement, subject to ratification, as soon as it is open for signature. In order to avoid the risks and difficulties of having two regimes in place, my country will also, along with signing the Agreement, agree to its provisional implementation as of 16 November 1994.

We trust that the great majority of States present here will be prepared to join us in this course of action, and we urge them to do so. In this way, only a few months after its entry into force the way will be clear for universal accession to the Convention on the Law of the Sea.

More than 10 years ago the Secretary-General said the Convention on the Law of the Sea could be considered "perhaps the most important legal instrument of the century". We are very close to making that statement come true.

Mr. Halkiopoulos (Greece) *(interpretation from French):* I am speaking in my dual capacity as representative of Greece and current Chairman of Special Commission 4 of the Preparatory Commission for the Law of the Sea. That Special Commission was entrusted with setting up the mechanism for the functioning of the International Tribunal for the Law of the Sea.

My country's positions concerning the draft resolution and Agreement were fully expressed this morning in the statement delivered by the German Presidency of the European Union, and there is no need for me to cover that ground again. However, at the end of that statement the German delegation appealed for the prompt and full establishment of the Tribunal for the Law of the Sea, and I feel duty-bound to associate myself with that appeal and to endorse it strongly.

In fact, the system for the functioning of the Convention, which is provided for in the Convention on the Law of the Sea, requires a Tribunal. Of course, as we all know, the system for the settlement of disputes under the Convention of the Law of the Sea has a great many facets and embraces a number of various bodies. But the Tribunal for the Law of the Sea is an irreplaceable body.

At the same time, in order to function viably and properly the Tribunal needs to meet the requirement of universality. In fact, according to the terms of the Convention itself, not only should all geographical groupings be represented there, but also all systems of law. For this reason we feel that a process, analogous to the one that is just about to be adopted on the substance of Part XI, should in some way be envisaged, and I wonder whether it could not already have been envisaged. But perhaps one should not try to do too many things at once.

However, it is now high time to complete what we have done and what we are now doing at this time, and we can do so in this way: through a system that would offer all Member States, on a provisional basis, the same possibilities provided by the Agreement we are now in the process of adopting. That would make it possible for Member States to participate in the setting up of the Tribunal and for representation to be universal. It would also lend effectiveness to the arrangement to be adopted with respect to Part XI. Only in this way would we attain what we might describe as a consensus in the jurisdictional area, a consensus that would be in line with the consensus that seems to be emerging in this Hall, where we are in the process of adopting an Agreement relating to the Implementation of Part XI.

Allow me to conclude by quoting a passage of the report in which President Amerasinghe introduced the first negotiating paper for the setting up of a dispute-settlement system.

The late President Amerasinghe, in the report in which he presented the negotiating text, stated:

spoke in English

> "When presenting the first draft negotiating text on the settlement of disputes, the President of the Third United Nations Conference on the Law of the Sea recorded that, to ensure that the composition of the law of the sea Tribunal takes into account the consensus arrived at in reaching the law of the sea Convention by the various groups participating in the consensus, an attempt has been made to formulate a method of selection of the judges of the Tribunal reflecting this consensus. It is only in this way that regional groups could feel a real sense of participation in its functions and thus ensure their willingness to accept it."

spoke in French

Of course, as we all know, the Convention was not adopted by consensus as had been anticipated by the President when he wrote that. But in view of the fact that a consensus does seem to be on the horizon at the present time, I believe that President Amerasinghe's words take on a fresh significance which is fully in keeping with the importance of this meeting, and that what is important is to have a body for the settlement of disputes that is capable of meeting the requirement of universality and represent consensus in the area of jurisdiction.

Mr. Ansari (India): The United Nations Convention on the Law of the Sea is an unprecedented attempt by the international community to promote the peaceful use of the seas and oceans, the equitable and sustainable utilization of their resources, and the protection and preservation of the marine environment. What makes the United Nations Convention on the Law of the Sea a milestone in global treaty-making is not only its extensive scope and the integrated approach it takes to all questions of management and use of the oceans, but also, perhaps most importantly, the declaration that the area of the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction, as well as their resources, are the common heritage of mankind. The body empowered to administer the common heritage of mankind and to regulate its exploration and exploitation for the benefit of mankind as a whole will be the new International Seabed Authority, a unique institution, open to membership by all States as well as international organizations and other entities meeting specific criteria.

The Convention was signed by a record number of nations on the day it was opened for signature in Montego Bay, Jamaica, on 10 December 1982, nearly 12 years ago. India, too, signed the Convention in 1982 and has since then taken various measures to give effect to the provisions of the Convention and resolution II governing preparatory investment in pioneering activities relating to polymetallic nodules.

The entry into force of the Convention later this year, on 16 November 1994, will be a historic occasion and will provide an opportunity to all countries actively to participate in and benefit from the resources of the seas and oceans.

Our desire to secure universal participation in the Convention motivated us to participate actively in the informal consultations organized by the Secretary-General during the period 1990-1994. These consultations, pertaining essentially to Part XI, were, no doubt, protracted, and at times difficult. It is, however, to the credit of all of us that we did not lose heart, and continued in a spirit of compromise and understanding of each others' views. The Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea is a concrete and successful outcome of the Secretary-General's initiative. This is yet another milestone and demonstrates that, given good will and understanding on all sides, difficult problems can be overcome to the satisfaction of all nations. We believe that the objective of achieving universal adherence to the Convention will no longer be a distant goal, and it should be achieved within the time frame set out in the Agreement relating to Implementation of Part XI. It is significant that the Convention and the Agreement constitute a single document to be interpreted and applied together.

India believes that the codification of the law of the sea achieved in this Convention, and the constructive approach envisaged in the Agreement, will contribute to the strengthening of cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and will promote economic and social advancement for all people of the world.

My delegation hopes that the spirit of understanding that motivated and prevailed during the consultations of the Secretary-General and the approaches adopted in resolving the outstanding issues of Part XI of the Convention will provide a strong basis for an effective and mutually beneficial partnership among the community of nations. It is notable that this cooperation has been reflected in a field which is the common heritage of mankind. We are convinced that fair, equitable and mutually beneficial cooperation among nations is the key to the development of a better future.

India is a registered pioneer investor under resolution II of 30 April 1982 and has been allotted a mine site in the Central Indian Ocean. We hope the setting up and functioning of organs and subsidiary bodies of the Authority will facilitate the development, acquisition and transfer of ocean-related technology, in particular deep seabed mining technology. We also hope that the provisions of the Convention and the Agreement relating to Implementation of Part XI will provide an opportunity for scientific and technological cooperation between developed and developing countries.

I would be remiss if I did not take this opportunity to place on record our sincere appreciation for the relentless efforts of the former Secretary-General, Mr. Javier Pérez de Cuéllar and by the present Secretary-General, Mr. Boutros Boutros-Ghali. Their determined efforts have contributed greatly to the final agreed outcome of an arduous endeavour.

In conclusion, I am happy to state that my delegation is a sponsor of the draft resolution circulated in document A/48/L.60. It will also be my privilege on 29 July 1994 to sign, on behalf of my Government, the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.

Mr. Djalal (Indonesia): The delegation of Indonesia is particularly pleased to participate in the occasion of the adoption of the draft resolution and Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea. The Convention, in our minds, constitutes a milestone in human endeavour, begun over two decades ago, to create a new legal order for the oceans. It is a product of lengthy sessions among some 150 nations during the Conference on the Law of the Sea and of the preparatory work extending over six years prior to 1973.

The Convention governs States' activities as well as their rights and obligations in the oceans. By its very nature, the Convention necessarily represents many compromises. Yet this innovative document not only establishes a legal regime for the seas and the oceans, facilitates international trade and communication, promotes the uses of the oceans for peaceful purposes, ensures an equitable utilization and conservation of resources, protects and preserves the marine environment and regulates the conduct of marine scientific research, but also takes into account the diverse interests of States, either coastal or land-locked, in the uses of the seas, whether for strategic, political or economic purposes.

The draft resolution and the Agreement now before us are in our minds a step in the right direction. They are the result of long and arduous negotiations over four years and reflect the continued commitment of Member States to the ideals and principles of universality embodied in the Convention. Today, we are at the threshold of the entry into force of the Convention later this year. The draft resolution and the Agreement have come right on time. They augur well for the future of mankind and for order in the oceans, enabling States to develop economically in a stable and peaceful legal and political order. Indeed, we are all aware of the problems of the oceans - either in their resources or their strategic values - which have grown at an alarming rate during the last several years. In this regard, in our view, the protection of the marine environment, the effective and balanced utilization and conservation of marine resources, the prevention of conflicts and the promotion of cooperation, the need of the developing countries to promote the well-being of their peoples, as well as the reservation of the uses of the seas for peaceful uses, among others, should remain high on the agenda of the international community.

As an archipelagic State, Indonesia attaches great importance to all matters pertaining to the law of the sea. It has demonstrated its support of the Convention by participating actively in the work of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea since its inception in 1983 to the present. Indonesia also ratified the Convention in 1985. Accordingly, it has enacted or is in the process of enacting new legislation and will be revising existing laws and regulations to ensure conformity with the provisions of the Convention. Indonesia also recognizes that in the Convention the rights of States go hand-in-hand with their responsibilities, especially with respect to the protection of the marine environment, the proper management of ocean resources, and the necessary protection of the rights of other countries in the archipelagic waters.

Indonesia has also been very supportive of regional cooperation in marine affairs through the Association of South-East Asian Nations (ASEAN) mechanism and other regional and international organizations to which it belongs. To assure good-neighbourly relations, we have also concluded various maritime boundary agreements with our neighbours, although there is still much to be done in this respect. All this clearly reflects Indonesia's commitment to live in peace and cooperation with its neighbours.

Indonesia is also fully aware of the need to have the Convention universally accepted. We recognize the fact that none of the major industrialized countries has so far ratified the Convention. We are fully aware of the difficulties the developed industrial countries have had with regard to Part XI of the Convention and therefore welcome the willingness of the Group of 77 and the industrial countries to seek ways and means to overcome these difficulties. Indonesia therefore appreciates the efforts of the Secretary-General since 1990 to convene informal consultations in order to secure a more universal participation in the Convention. We have participated actively and constructively in the consultations since their inception and are happy that these efforts have produced the document before us today. The final results of the consultations also necessarily entailed compromises in view of the nature and the complexity of the problems. But we believe that they will enable the securing of universal participation in the Convention and will therefore be conducive to the development of a more acceptable legal order in the oceans.

Indonesia is a country consisting of thousands of islands and is surrounded by seas and oceans. At this moment, we are entering the second long-term 25-year - development plan. To meet our development objectives, it is essential for us not only to have domestic peace and stability, but also to have a peaceful, stable and cooperative environment with our neighbours. It is in this context that during our first 25-year plan we have worked very hard to achieve and to strengthen harmony, solidarity and cooperation with our partners in ASEAN. It is also in this context that Indonesia, together with our ASEAN partners, has worked endlessly to bring peace and stability, among others, to Indochina, particularly Cambodia, and to develop mutually beneficial relations with those countries in our region. We have also been working to develop and to realize the concept of a zone of peace, freedom and neutrality and a South-East Asian nuclear-weapon-free zone in our area, while at the same time promoting cooperation in the Asia- Pacific region as a whole through the Asia-Pacific Economic Cooperation, the ASEAN Regional Forum and, the ASEAN Ministerial Conference, among others.

Beyond South-East Asia, we have also taken an active role and interest in developing a framework for cooperation in fisheries management in the Pacific Ocean, particularly through the Pacific Economic Cooperation Conference Fisheries Task Force, by establishing the West Pacific Fisheries Consultative Committee (WPFCC), based in Manila, and the Trans-Pacific Fisheries Consultative Committee (TPFCC), based in Lima, Peru. Indonesia and other South-East Asian countries have been cooperating with the South Pacific countries in studies of tuna management within the WPFCC, while the South Pacific countries have been developing such cooperation with the Pacific Latin American countries through the TPFCC. Both the WPFCC and the TPFCC are also increasingly developing interlocking cooperation in fisheries studies and management. On the western side of Indonesia, we have also taken a keen interest in developing the Indian Ocean Marine Affairs Cooperation (IOMAC) with our neighbours in South Asia and East African countries. We have in fact ratified the Arusha Charter of IOMAC.

In 1990, since the conclusion of the Paris Treaty on Cambodia, we have also taken an active role and initiative in trying to manage potential conflicts in the South China Sea that could result from conflicting territorial claims over tiny islands and rocks in the area. Our objective is to promote cooperation in the South China Sea area within the context of implementing the 1982 United Nations Convention on the Law of the Sea, particularly within the context of the regime of closed and semi-enclosed seas. Our hope is that, by developing cooperation in various areas, the potential conflicts, with regard to territorial or jurisdictional claims, will be relatively easier to deal with or to shelve in favour of cooperation. Much has been done on this issue, particularly the issuance of the ASEAN Declaration on the South China Sea in 1992, which pledges the non-use of force in settling disputes, as well as the promotion of cooperation among the parties concerned. We believe that the 1982 United Nations Convention on the Law of the Sea provides a very good basis for the promotion of cooperation as well as for the prevention or avoidance of conflicts in the seas and oceans, including in the South China Sea area. We are looking forward to continuing and intensifying our efforts in this area together with the relevant States in the region.

On behalf of the Government of Indonesia, I welcome the draft resolution and the draft Agreement, with its annex. Indonesia is pleased to cosponsor the draft resolution and to sign the Agreement now before us. We encourage other States to do the same, and we should make every effort to bring the Agreement into force as soon as possible by an overwhelming majority of States, thus broadening the participation of States in the Convention.

As current Chairman of the Group of 77 on the law of the sea, I have the distinct honour and pleasure to welcome the draft resolution and the Agreement, with its annex. The Group of 77 has also authorized me to state that it accepts and endorses the draft resolution and the Agreement. It encourages all States to participate actively in the adoption of the draft resolution and, whenever possible, to cosponsor those documents. Furthermore, it encourages all States to sign the Agreement as soon as possible within the time frame mentioned in the Agreement. Finally, the Group encourages all States to take immediate steps, as and if necessary, to ratify the Agreement and the Convention as soon as possible.

Finally, it is my sincere hope that the spirit of cooperation over the last 25 years that has inspired us to convene and to conclude the Third United Nations Conference on the Law of the Sea, to convene the Preparatory Commission to prepare for the establishment of the International Seabed Authority and the International Tribunal for the Law of the Sea, and to convene informal consultations under the auspices of the Secretary-General to achieve a more universal participation of States in the 1982 United Nations Convention on the Law of the Sea, will lead us to a speedy ratification of the Convention and the Agreement by the entire international community, thus providing us with a sound legal basis for the new order in the oceans.

Mr. Wlosowicz (Poland): The date 16 November 1994 will have a deeply historic character. It will mark, it is hoped, the beginning of a new, modern order on the seas, one that will have a real chance of achieving as universal a character as possible in the light of the Implementation Agreement relating to Part XI of the United Nations Convention on the Law of the Sea, which will be adopted during this session of the General Assembly.

There are many new or newly remodeled ideas contained in the Convention. It should suffice to recall some of these concepts: archipelagic States and archipelagic waters; transit passage; exclusive economic zone; the seabed area and its resources as the common heritage of mankind, to be governed by the International Seabed Authority; and the International Tribunal for the Law of the Sea.

Since 1968 - that is, since the first session of the seabed Committee - Poland has actively participated in the elaboration of the new law of the sea, which would be in conformity with scientific and technological progress and the new political and economic situation. However, it should be made clear that not all developments in the law of the sea suit Polish interests, a fact that my country has pointed out repeatedly. Poland, a geographically disadvantaged State, has nothing to gain and a lot to lose by the establishment and recognition of 200 miles of exclusive economic zones.

Mr. Martini Herrera (Guatemala), Vice-President, took the Chair.

Having said that, I would like to recall that the United Nations Convention on the Law of the Sea, as a result of a wide-ranging compromise, has required substantial sacrifices on the part of many States. However, notwithstanding our reservations and recognizing that the Convention was adopted as a package deal that constituted a compromise that satisfied no State entirely, Poland signed the Convention in 1982. Subsequently, Poland has contributed, and continues to contribute, to facilitating the future implementation of the Convention and actively participates in preparatory measures leading to the smooth entry into force of the Convention.

The requirement of conformity with the provisions of the Convention served as the basis for the drafting of a new Polish law concerning the country's maritime areas, which was adopted on 21 March 1991. During the legislative proceedings, the Codification Commission and the Parliament strictly adhered to the principle of observing the provisions of the Convention in enacting national legislation.

Poland generally welcomes the entire text of the draft resolution and draft Agreement relating to the Implementation of Part XI of the Convention, as contained in document A/48/L.60. The draft resolution and the Agreement, which are of very great legal and political value, are the fruit of the four-year consultations under the aegis of the Secretary-General on outstanding issues relating to the deep-seabed mining regime of the Convention.

Poland appreciates all the efforts of the Secretary-General, Mr. Boutros Boutros-Ghali, and of his predecessor, Mr. Pérez de Cuéllar; those of the Legal Counsels of the United Nations, Mr. Hans Corell and Mr. Carl-August Fleischhauer; and those of the officers of the Division for Ocean Affairs and the Law of the Sea in the Office of Legal Affairs in facilitating and conducting those consultations, which had the basic goal of achieving the universality of the Convention. All the States that participated in the consultations worked very hard in a spirit of cooperation and compromise and thus significantly contributed to the improvement of the new international legal maritime order.

Poland, however, is not fully satisfied with the provisions of the Agreement, particularly concerning the composition of the Council of the International Seabed Authority. These provisions are unfavourable for all countries of the Eastern European regional group. As a result of the future application of these provisions, the representation of the Eastern European region in the Council will be reduced from the three-seat minimum provided in the Convention to only two seats.

Poland is of the view that the Convention's provisions concerning the composition of the Council, which include references to the Eastern European group, were adopted by the Conference on the Law of the Sea as a well-balanced compromise and should be retained in their original form. The number of States in the Eastern European region has doubled since 1982, to 20. Some of these States are very much involved in activities in the seabed area as pioneer investors or as certifying States for pioneer investors. The number of certifying States or pioneer investors from the Eastern European region is the highest of all regional groups - five out of 20. As a certifying State for the Interoceanmetal and a registered pioneer investor, Poland has an immediate interest in the provisions of the Agreement.

Taking into account the informal political understanding reached on this issue during the last round of the consultations -to be read by you, Mr. President, at the time of the adoption of the draft resolution and the Agreement - Poland is of the view that this understanding only partly protects in political, not legal, terms the interests of the Eastern European States, including Poland, in future elections to the Council of the Authority. It should be clear that such protection does not constitute, in any way, legal protection, as was originally set out in the provisions of the Convention.

I should also like to raise the question of how long this understanding - after fulfilling its requirements concerning achievement of the appropriate balance between the membership of the Authority and that of the United Nations - will remain politically valid. For Poland, it is clear that the understanding is of unlimited duration.

The Agreement has been called "implementation Agreement", but in practical terms it will modify provisions of the Convention very seriously in some cases. That is why the Government of Poland is considering very carefully whether it should consent to be bound by the whole package - the Convention and the Agreement, which, according to paragraph 1 of article 2 of the Agreement, shall be interpreted and applied together as a single international instrument.

What should also be pointed out is the nature of the legal relationship between the Convention and the Agreement. According to paragraph 1 of article 2 of the Agreement, the Agreement will have primacy and priority over provisions of the Convention, because in the event of inconsistency the provisions of the Agreement shall prevail. This means, practically speaking, that the Agreement constitutes *lex posteriori*, which makes it possible to apply *lex priori* only if it is not in contradiction with the later law.

The international maritime order should be a single and universal order, because any other solution might simply impede legal security and stability and cause some legal and practical confusion.

The negotiation work is done, and now all States face the problem of taking at the most appropriate time the most appropriate decision about establishing their consent to be bound by the Agreement as well as its provisional application.

Poland is ready to vote in favour of the draft resolution contained in document A/48/L.60. However, its decision on the provisional application of the Agreement will be taken at a further later stage, after careful consideration of all its international and constitutional aspects.

Accordingly, Poland, at the appropriate time, will notify the Secretary-General of its final decision concerning such application.

Mr. Maruyama (Japan): At the outset I should like, on behalf of the Government of Japan, to express my sincere gratitude to His Excellency Mr. Samuel R. Insanally for convening this resumed forty-eighth session of the General Assembly for the purpose of adopting the important draft resolution relating to the law of the sea which is before us. I also wish to extend my appreciation to the Secretary-General, Mr. Boutros Boutros-Ghali, for his initiative and tireless efforts in conducting the informal consultations on outstanding issues with respect to the deep-seabed regime. My thanks go as well to the Under-Secretary-General for Legal Affairs and the Law of the Sea, Mr. Hans Corell, for conducting the consultations on behalf of the Secretary-General.

It is with a sense of deep satisfaction that my delegation, together with many other like-minded delegations, is able to be present at this important resumed session of the General Assembly to adopt the draft resolution, together with the draft Agreement, contained in document A/48/L.60, of which Japan is a cosponsor. This will make possible universal participation in the United Nations Convention on the Law of the Sea. It has been four years since the informal consultations were initiated by the then Secretary-General, Javier Pérez de Cuéllar. But, if we look back even further, it is very gratifying to note the progress we have made since Ambassador Pardo of Malta, at the twenty-second session of the General Assembly, in 1967, launched for the first time the concept of "a common heritage of mankind". After long and laborious negotiations, first in the Committee on the Peaceful Uses of the Seabed and the Ocean Floor, beginning in 1968, and then in the third United Nations Conference on the Law of the Sea, from 1973, we worked out a multilateral regime for the development of seabed resources, as embodied in Part XI and related annexes of the United Nations Convention on the Law of the Sea, which was adopted on 10 December 1982.

However, our expectations at that time for imminent seabed mining on a commercial basis proved to be over-optimistic. Various political and economic changes that subsequently occurred in the international environment, notably the end of the cold war, and a prevailing reliance on the market economy superseded the conditions that had shaped the seabed-mining regime in 1982. Above all, the continuing stagnation of the world metals market will delay the development of seabed mining - an inherently capital-intensive and risky venture - until after the turn of the century. Indeed, the Group of Experts established by the Preparatory Commission submitted a report concluding that commercial mining operations were not likely to commence before the year 2010. Most industrialized countries, while not having fundamental difficulties with other parts of the Convention, have not become States parties to it solely because they are dissatisfied with the economic principles behind the system of seabed-resources development. Soon after the adoption of the United Nations Convention on the Law of the Sea, it became generally recognized that if Part XI was left intact until the Convention's entry into force, the universal application of the Convention would be sorely jeopardized.

To break this impasse, in July 1990 former Secretary-General Pérez de Cuéllar undertook informal consultations aiming at enhancing the dialogue between industrialized and developing States on so-called hard-core issues, the issues in Part XI of particular concern to industrialized States. Those consultations were continued in 1992 by Mr. Boutros Boutros-Ghali. Throughout this process, representatives from industrialized as well as developing States have made steadfast efforts, in a constructive spirit and demonstrating mutual understanding, to overcome what had seemed at the time insurmountable difficulties over these hard-core issues. The four years of negotiations, in which Japan, together with other like-minded countries, has actively participated, are now culminating in the adoption of this draft resolution and Agreement. This is truly a magnificent achievement, of which we can all be proud. Japan is deeply appreciative of the contributions of both the former and the present Secretaries-General in leading the consultations to a successful conclusion.

It may well be said that the adoption of the Agreement will be of historic significance for two reasons.

First, the Agreement finally puts a period to the 27-year pursuit by the international community of a comprehensive framework of international law for deep-seabed mining since Ambassador Pardo's historic address in 1967. It is the firm belief of my delegation that Part XI of the Convention as amended by this Agreement provides for a reasonable and viable regime in which the majority of deep-seabed mining States can encourage their commercial entities to continue their deep-seabed mining activities. The structure of various organs and subsidiary bodies to be established under the regime will be streamlined, according to their foreseeable needs and the principle of cost-effectiveness. The excessive regulations and financial burdens placed on commercial entities and sponsoring States have been significantly reduced, thereby improving dramatically the investment climate for commercial entities to pursue mining activities in the future.

In that connection, my delegation particularly welcomes the waiver, as introduced in the draft Agreement, of the $1 million annual fee prior to the commencement of commercial production, since returns on initial investments are not expected to accrue from commercial production for a number of years, even after commercial production has started. This waiver, together with other reduced regulations, will surely reinvigorate the deep-seabed mining entities of industrialized countries, including Japan, and enable them to realize the concept of the common heritage of mankind as early as possible.

Secondly, the draft Agreement is all the more significant in that it will pave the way for industrialized countries to accept and adhere to the Convention in its entirety, thus promoting universal participation. This is essential for establishing a stable order in the use of the oceans and for ensuring that the law of the sea applies to the international community as a whole. In particular, once it is universally accepted, the Convention can be expected to bring an end to the legal disputes that resulted from the unilateral extension of jurisdiction by certain States when the future of the Convention was unclear, and to provide instead an integrated legal basis for the use of the sea by the international community as a whole.

Throughout the past 11 years, Japan - not only as a signatory of the Convention but also as a certifying State of a registered pioneer investor - has participated actively and has sought to make contributions to the advancement of the important work of the Preparatory Commission. We hope that during its twelfth session, which will be convened immediately following this resumed General Assembly session, the Commission will fully discharge the mandate which resolution II has entrusted to it, so that the Authority and the Tribunal can commence functioning smoothly upon the entry into force of the Convention.

As a maritime State with a major interest in the stability of the legal order of the sea, Japan will wholeheartedly welcome the adoption of the draft Agreement, which will make possible universal participation in the United Nations Convention on the Law of the Sea. I am glad to announce here that Japan intends to vote in favour of the adoption of the draft Agreement, and to sign it at the end of this session, subject to ratification. Japan is also prepared to give its consent to the provisional application of this Agreement from the date when the United Nations Convention on the Law of the Sea enters into force, so that it can participate in the International Seabed Authority from the very outset. Such consent will be subsequently conveyed to the Secretary-General upon completion of the necessary domestic procedures before the Convention enters into force.

Japan will certainly accelerate the necessary preparatory work, such as amending existing laws and regulations or enacting new legislation in order to comply with the provisions of the Convention, with a view to seeking ratification of the Convention together with the draft Agreement as early as possible. We recognize that, since the Convention covers a wide range of issues relating to the law of the sea, such work may require a tremendous amount of time and labour, involving many governmental departments.

In concluding, I should like to make it clear that Japan, as a maritime State, will continue to make every possible effort within the newly established Authority to contribute to achieving the global objective of realizing the concept of the common heritage of mankind, and to ensuring a stable legal order, in accordance with the United Nations Convention on the Law of the Sea.

Mr. Lamamra (Algeria) *(interpretation from French):* The United Nations Convention on the Law of the Sea, one of the greatest achievements of the United Nations in the codification and development of international law and the promotion of international cooperation, will enter into force on 16 November 1994. The 1982 Convention, rightly described as an oceanic constitution, governs the law of the sea in all aspects, from the delimitation of maritime spaces to the settlement of disputes, plus economic and commercial activities, the conservation of biological resources, the protection and preservation of the environment, technical cooperation and scientific research.

That comprehensive approach, based on the conviction that all problems relating to the seas are interlinked, makes the 1982 Convention unique - the more so given the broad support it enjoyed from the outset. The many signatories of the Convention on the day it was opened for signature -119, including Algeria - have increased in number to 159, which attests to the uniqueness of the Convention and to the high degree of consensus it commands.

Indeed, consensus was the main methodological principle of all the work of the Third United Nations Conference on the Law of the Sea, including all phases of negotiation of the text that became the Convention on the Law of the Sea. Despite this constant concern for compromise, in the end it proved impossible to adopt the Convention by consensus. That lack of general agreement sowed the seeds for what 12 years later gave rise to the modification of certain provisions of Part XI of the Convention even before it entered into force.

As it participates in today's consideration of the report of the Secretary-General (A/48/950) on the results of consultations on outstanding issues relating to the deep-seabed provisions of the Convention on the Law of the Sea, the Algerian delegation wishes to set out its position on this matter, which can be summed up in five points:

First, everyone is aware that those consultations, whose purpose was to promote what has come to be called universal participation in the Convention, were actually meant to address the concerns of certain States with respect to the deep-seabed mining regime; they resulted in the draft Agreement relating to the Implementation of Part XI of the Convention. It should be noted that, at times, some provisions of the draft Agreement go well beyond mere implementation of certain provisions of Part XI of the Convention, and often introduce substantive modifications of the original text. Yet realism led my delegation to agree with the terms of the draft Agreement, which in the circumstances are the only possible basis for promoting universal acceptance of the Convention, in particular by the world's largest maritime Powers.

Secondly, the draft Agreement relating to the so-called implementation of Part XI of the Convention, now before the Assembly for adoption, in conformity with the explicit provisions of paragraph 4 of draft resolution A/48/L.60 and of article 2 (1) of the draft Agreement contained therein, must be interpreted and applied "together with Part XI as a single instrument" *(A/48/L.60, para. 4)*. This means that in the event of problems of application or interpretation the provisions of the draft Agreement must be applied and interpreted in the light of the spirit and the letter of the Convention itself.

Thirdly, the unified nature of the draft Agreement and the Convention, which together constitute a single integrated instrument, makes it impossible for any State or entity to agree to be bound by the draft Agreement unless it has previously established or establishes at the same time its consent to be bound by the Convention, including the provisions of its Part XI. This is explicit in the draft resolution and in the draft Agreement. We trust that the Secretariat, specifically the Office of Legal Affairs, has devised practical arrangements for putting this commitment into effect.

Fourthly, with respect to what are known as substantive questions, the results of the consultations, as reflected in the annexes of the report of the Secretary-General and of the draft Agreement, formalize the acceptance and confirmation by the participants in those consultations of the establishment, as envisioned in the Convention, of the following bodies: the International Seabed Authority to organize and control mining activities in the Area, that is the seabed and the subsoil thereof beyond the limits of national jurisdiction, which are considered to be the common heritage of mankind; the Assembly of that Authority, as its highest organ, to which all other organs of the Authority are responsible in keeping with their respective prerogatives; the Council, the Authority's executive organ, its functions and composition to conform with the provisions of the Convention, apart from the decision-making process, which will henceforth involve the rule of unanimity for the benefit of each of the groups of States described in section 3, paragraph 15 of the annex to the draft Agreement, where the group of developing States will constitute a single chamber for the purposes of voting in the Council; and the Enterprise as the Authority's commercial organ, whose activities will gradually evolve, ultimately, when the commercial goals have been met, to reach the stage of operations to exploit the resources of the seabed.

And fifthly, the draft Agreement sets out an original procedure for participation in the Authority as members on a provisional basis. It is the understanding of my delegation that this status as provisional member of the Authority, which involves the same rights and obligations, including that of contributing to the Authority's budget, can be justified only in terms of managing the time period necessary for becoming a full party to the draft Agreement and the Convention. None the less, this provisional status must not be unreasonably lengthy lest it test the State's good will - and even its willingness to become a party to the draft Agreement and the Convention.

Among the questions not resolved in the draft implementation Agreement relates to the composition of the Council of the International Seabed Authority, or more precisely to the allocation of its 36 seats in conformity with the criteria set out in article 161 of the Convention, including the principle of equitable geographical distribution. My delegation is convinced that this question will be resolved fairly through consultations among the regional groups concerned. In that context, the unofficial agreement annexed to the report of the Secretary-General constitutes a provisional understanding that will have its full effect when the number of members from each regional group participating in the Authority is basically equal to the number of members of the corresponding group in the United Nations.

In the light of those ideas, the Algerian delegation is pleased to associate itself with other delegations that intend to vote in favour of draft resolution A/48/L.60 and to sign the draft Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 when it is opened for signature. We shall thus be contributing to the achievement of one of the noblest goals the United Nations has ever set itself: the establishment of a new legal order governing the seas and oceans, one of whose founding principles remains the concept of the common heritage of mankind.

The meeting rose at 6.15 p.m.

United Nations

A/48/PV.101

General Assembly
Forty-eighth Session

Official Records

101st Meeting
Thursday, 28 July 1994, 10 a.m.
New York

President: Mr. Insanally .... (Guyana)

The meeting was called to order at 10.25 a.m.

Agenda item 36 *(continued)*

Law of the Sea

(a) Report of the Secretary-General (A/48/950)

(b) Draft resolution (A/48/L.60)

(c) Report of the Fifth Committee (A/48/964)

Mr. Thanarajasingam (Malaysia): I am delighted, Mr. President, that you are here today to chair this historic meeting.

Almost three decades have passed since we first embarked on the quest for a new regime of the law of the sea. This initiative, which began in 1967, crystallized into the Third United Nations Conference on the Law of the Sea in late 1973 and culminated, after nine years of arduous negotiations, in the adoption of the Convention on the Law of the Sea on 10 December 1982.

Malaysia has been involved in the process of negotiating the Convention from its inception. We are proud to have been one of the 119 countries that signed the Convention on the day it was adopted.

The fact that 150 countries representing all regions and all legal and political systems of the world responded to the need to elaborate a new and comprehensive regime of the law of the sea was a significant development in international relations. The ideal behind the elaboration of the Convention, namely to establish true universality in the efforts to achieve a just and equitable international economic order governing ocean space, was shared by the international community. The incorporation into the Convention of the concept of the common heritage of mankind in relation to the seabed and ocean floor was indeed a milestone in the history of international treaties.

Notwithstanding the adoption of the Convention on the Law of the Sea in 1982, its progress was stymied. It was not until 16 November last year - almost 11 years after the Convention was adopted - that the sixtieth instrument of ratification was deposited, fulfilling the requirement of Article 308 of the Convention. Accordingly, the Convention will enter into force on 16 November this year.

Even so, a total of 60 or so States Parties to the Convention, nearly all of whom represent the developing world, does not symbolize universal acceptance of the Convention. The reason behind the lack of universal acceptance of the Convention is well known and need not be elaborated here.

My delegation wishes to acknowledge the perseverance of the international community in overcoming the obstacles to universal participation in the Convention through a process of dialogue and consultation. The initiative taken by the United Nations to convene informal consultations was certainly helpful.

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum. When the result of a recorded and/or roll-call vote is followed by an asterisk, see annex to the record.

The consultations, which began four years ago, on 19 July 1990, have led to the draft Agreement before us today. The acceptance by all of us here of this Agreement will symbolize the universal acceptance of the Convention itself.

My delegation is especially pleased that this package of compromises represented by the Agreement did not erode the fundamental concept of the area of the deep seabed being the common heritage of mankind. Through the adoption of the draft resolution today, the United Nations will usher in a new era with regard to the peaceful uses of the sea and ocean space. We are confident that the adoption of the Agreement and its acceptance by all of us here will pave the way for full and effective universal participation in the Convention itself.

In conclusion, my delegation wishes to express our support for this Agreement, which all of us present have worked so hard to achieve. It is our fervent hope that the compromises reached and the understandings arrived at will be fully implemented.

Mr. Macedo (Mexico) *(interpretation from Spanish)*: The Government of Mexico expresses its satisfaction at the conclusion of the consultations held by the Secretary-General to resolve the differences with regard to Part XI of the United Nations Convention on the Law of the Sea. The result can be found in the draft Agreement to be adopted on this occasion by the General Assembly.

Mexico was the third State to ratify the Convention in 1983, after having participated actively in the work of the Conference, in the full belief that that instrument was the best way of achieving a legal order which would enable all States to enjoy the benefits of the seas. That is the spirit which today motivates Mexico's presence here and which prompted us to promote the process which is now coming to an end.

The Agreement relating to the Implementation of Part XI obliges us to recall the approach adopted by the Conference in the negotiating process of the Convention. At that time, it was clearly demonstrated that an effective international law of the sea could be achieved only if it were based on two fundamental principles whose validity could not be called into question: first, the unified character of the Convention and, secondly, the need for it to enjoy universal participation.

On the one hand, it has been recognized that all uses of the oceans are intimately related and, hence, that their regulation must be comprehensive. The Convention represents a delicate balance between the legitimate interests of all States in the oceans. For that reason, the Convention was carefully negotiated as an integrated whole, that being the only way to satisfy the most varied aspirations.

On the other hand, it is clear that the Convention can be fully effective only if it is universally accepted. The breakdown in the consensus at the Conference in April 1982 was at that time a regrettable event that compromised the viability of the Convention. The international community, however, did not lose hope that dialogue and reason would prevail and that those States that were unable to sign, ratify or accede to the Convention would eventually do so.

When Mexico aligned itself with the initiative of the Secretary-General, it did so in the belief that the result of the process of dialogue concerning Part XI would contribute to achieving the universality of the Convention, but always on the basis of the premise that that instrument would have a unified character.

Therefore, Mexico joined in the exercise of negotiating the draft Agreement relating to the Implementation of Part XI because it recognized that there had been a fundamental change in the circumstances which, in preventing the exploitation of the seabed in the form provided for by the Convention, would have a negative effect on the accomplishment of its goal and purpose. It follows that, to avoid frustrating that end, and to ensure that the Convention would be viable, it was necessary to adapt Part XI to the current realities.

However, the fact of having entered into a negotiating process on the deep-seabed mining regime when differences existed cannot imply a revision of the numerous principles of the Convention that had already been consolidated as norms of international customary law. Thus, the principle that the Area and its resources are the common heritage of mankind is still entirely valid and cannot be called into question in this or any other forum.

Furthermore, it must be understood that the revision of Part XI of the Convention does not at any time mean the possibility of revising other aspects of the Convention. The draft Agreement relating to the Implementation of Part XI, as has already been said, was arrived at only because there had been a fundamental change in the circumstances surrounding the deep-seabed mining regime and, hence, it has an exceptional character. The international community must now ensure that all the provisions of the Convention are fully recognized as international law. Failure to do so would run the risk of endangering the establishment of a legal order for the oceans. Hence, only ratification of or accession to the Convention and strict compliance with it by all States will guarantee that this instrument will serve its purpose.

Once the concerns of all the States that had differences over the ocean mining regime provided for in the Convention had been satisfied, there remained no valid argument to prevent them from ratifying or acceding to the Convention. The steps taken so far are not sufficient to demonstrate commitment to the universality of the Convention. The fact that certain provisions of Part XI have been revised is no guarantee that those countries will ratify or accede to the Convention. Unequivocal compliance with such a commitment will occur when those States that have not done so ratify or accede to the Convention. It is therefore worth recalling that the Convention has to date been ratified practically only by developing countries. The Government of Mexico makes an emphatic appeal to those States that have not ratified the Convention to do so as soon as possible.

Mexico will vote in favour of the draft resolution, whose adoption will lead to opening the Agreement for signature. This is a token of our interest in finally seeing resolved the differences regarding Part XI of the Convention. However, Mexico is not yet in a position to sign the Agreement. Mexico will be able to sign the Agreement and to express its willingness to be bound by it only when there are more positive signs that the Convention will be ratified by those States that up to now have, unfortunately, refrained from participating in the Convention's regime on the seas.

Only then will we be sure that the commitment made in initiating the Secretary-General's consultations to adapt Part XI to the political and economic changes with a view to attaining universal participation in the Convention has been met. We hope to be able to be bound by the Agreement as soon as we see progress towards the participation of all States in the Convention.

Furthermore, as a State that ratified the Convention, it is incumbent on Mexico to assume duties and responsibilities that are very different from those to be assumed by States which to date have not accepted the Convention. That prevents us for the time being from provisionally implementing the Agreement. Because the Convention was endorsed by the Senate of the Republic, the Government of Mexico is obliged to secure Senate approval with regard to the Agreement before acting in any way that might modify the approval originally granted. It is for that reason that Mexico will adopt the Agreement provisionally, but only when it has been signed or ratified, or when it has been acceded to in accordance with our internal constitutional procedures.

The Convention is the clearest example of the way in which international cooperation allows us to resolve differences and to focus on a single instrument the aspirations of States which have widely varying interests. Mexico reiterates here its commitment to the regime enshrined in the Convention and will do everything in its power to continue to contribute to achieving its universality.

Mr. Li Zhaoxing (China) (interpretation from Chinese): First of all, please allow me to extend to you, Mr. President, on behalf of the Chinese delegation, congratulations on the manner in which you are presiding over this historic resumed session of the General Assembly.

Agreement on Part XI of the United Nations Convention on the Law of the Sea has finally been reached after four years of tireless consultations, which have resulted in the production and formal submission to the General Assembly for approval of the draft resolution and the draft Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. The Chinese delegation would like to thank Secretary-General Boutros-Ghali for his guidance of the consultations to a successful conclusion. We also wish to thank former Secretary-General Pérez de Cuéllar for his efforts in initiating the consultations.

The United Nations Convention on the Law of the Sea is, to this date, the most comprehensive and influential international convention on the management of the sea. Though there is still room for improvement in this Convention, it basically reflects the common aspiration and interests of the overwhelming majority of the countries of the world in the exploration and uses of the sea, thus receiving the international community's universal attention. The delay in the putting into effect of, and universal participation in, the Convention is due mainly to the fact that a number of countries had difficulties in accepting some provisions of Part XI. The present draft Agreement reflects the results of the consultations presided over by the Secretary-General in the past four years; makes major adjustments in the regulations concerning the decision-making process of the various agencies of the International Seabed Authority, the functions and operating procedures of the Enterprise and the production policies of international seabed mining; reduces the financial burdens of the States parties and miners of the deep seabed; abolishes production quotas; and takes into account different interests and requests of the parties concerned - thus paving the way for the universal acceptance of the Convention.

It should be pointed out in particular that the draft Agreement provides that countries which consent to the adoption of or sign the Agreement can provisionally apply it before its entry into force, and stipulates that the countries which have yet to ratify or accede to the 1982 Convention can continue, in line with certain conditions, to be provisional members of the Authority during a period of time after the Agreement comes into effect and can enjoy the same rights and obligations as the formal members. The provisions concerning provisional application and the arrangement on the system for provisional members have left time for the countries that have yet to ratify or accede to the Convention to do so, and are therefore conducive to the universal acceptance of the Convention.

China has actively participated all along in the informal consultations presided over by the Secretary-General. We are of the view that the draft Agreement has removed difficulties a number of countries have concerning certain provisions of Part XI and has safeguarded the principle of the common heritage of mankind, while giving consideration to the specific conditions in countries that have consented to the Convention and in those that have yet to do so. The Chinese Government takes a positive attitude towards, and is in favour of, the draft resolution and draft Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. We hope that the current resumed session will give these texts its approval.

China will sign the Agreement, subject to ratification, when it is opened for signature and will provisionally apply it from 16 November 1994.

Mr. Ostrovsky (Russian Federation) (interpretation from Russian): Yesterday a great deal was said about the importance of the United Nations Convention on the Law of the Sea, and we do not wish to be repetitious. We merely wish to say that we fully share that view.

With regard to the draft Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, prepared in the consultations held under the auspices of the Secretary-General, in our view this draft Agreement is indubitably a step forward, with the goal of making the Convention generally acceptable - indeed universal.

At the same time, if we base ourselves on real facts, and do not get into superficial aspects, we cannot but recognize that the draft Agreement is not sufficiently worked out or consistent. Hence, the question naturally arises: could it, in its present form, achieve its goals? We have some serious doubts in this regard.

In the Secretary-General's report, the view is expressed that Russia

> "made a statement reserving its position in view of the fact that a number of proposals it had made had not been reflected in the draft Agreement". *(A/48/950, para. 26)*

That assertion is an oversimplification of the situation and therefore gives a wrong impression of it. The point is not that not all of Russia's amendments were adopted: the crux of the matter is that on the major issues the draft Agreement lacks clear provisions that could guarantee successful cooperation in this area while taking duly into account the interests of all countries.

This relates first and foremost to the interpretation of the concept of the "common heritage of mankind", which was referred to here yesterday by the representatives of Malta and a number of other States. The mineral resources of the seabed are open for use by all States on an equal footing. Therefore, no single State or group of States can claim control over the activities of other States. This is a major issue that affects the fundamental and generally recognized principles of international law. Nevertheless, paragraph 1 of section 1 of the annex to the agreement contains provisions that could be interpreted as contradicting these principles.

There is another matter of crucial importance.

During the consultations held under the auspices of the Secretary-General, it was unanimously recognized that the implementation of Part XI of the Convention should not entail any unjustified expenses. This problem becomes particularly sensitive in connection with the fact that we are today setting up the International Seabed

Authority, which for at least 15 years will not be carrying out any real activities because, as experts have confirmed, the commercial exploitation of the seabed resources will not commence until then.

We have absolutely no doubt as to the sincerity of those who have called for, and continue to call for, the minimization of expenses. However, the Agreement has no provisions that can serve as guidelines for this purpose. Such general guidelines as the need to promote cost-effectiveness cannot be seriously regarded as a reliable disincentive.

We feel that all this threatens to result in the uncontrolled growth of unjustified expenses, and the validity of our concerns is borne out by the facts. Very recently, during the course of consultations, those who supported covering the administrative costs of the newly created seabed organization out of the United Nations budget stated that this should not lead to a budgetary increase. However, during the initial discussion of this problem in the Fifth Committee, it was clearly demonstrated that this is but wishful thinking. How can we, in fact, put this intention into practice when there is no mention of it in the Agreement or in any other document? How can we assume the responsibility of adopting a provisional Agreement without knowing what the budgetary implications are?

Other factors have already arisen that have nothing to do with the cost-effectiveness referred to in the Agreement. These include the attempts to establish high-paying positions that are simply not yet needed and the desire to hold a three-day session of the Assembly in Jamaica in November. That session that was initially planned, in accordance with the Convention, for the holding of elections, but those elections have been postponed until later. Thus, it is not clear what the Assembly will be working on in November, how we can justify the related costs or whether everyone will agree to shoulder them.

I should like to have some clarification here. It is not just a question of that three-day session, which we do not even need to discuss today; but then there is the question of whether, following that session, there will not be other similar sessions requiring tremendous expenditures that are neither justified by the interests involved nor in line with the Agreement's criterion of cost-effectiveness. Previous experience shows us that such concerns are usually well founded.

There is, in our view, another basic issue. In section 1, paragraph 6, of the annex to the Agreement, we have the principle of non-discrimination between the pioneer and potential investors. However, we have full reason to conclude that no one intends to adhere to this principle. This became apparent as soon as we tried to include in the Agreement indications regarding the need for a non-discriminatory approach to the payment of the annual fee of $1 million. All this caused the Russian delegation to reserve expression of its position when the consultations with respect to the final documents were concluded. It should be noted that a number of countries subsequently expressed to us their concerns about the position of the Russian Federation.

In this regard, we wish to state clearly that we understand these concerns, that we are fully aware of the importance of universal participation in the United Nations Convention on the Law of the Sea and that we have made, and continue to make, every possible effort to establish the necessary conditions for universal cooperation in this area. However, a number of key issues remain pending, and in these circumstances the Russian delegation is forced, not without regret, to state that it is not able to support the Agreement relating to the Implementation of Part XI of the Convention, which was drafted during consultations under the auspices of the Secretary-General.

Mr. Linton (Sweden): The delegation of Sweden is particularly pleased to participate in the adoption of the draft resolution and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. It is an honour for me to announce that the Government of Sweden has decided to sponsor the draft resolution and sign the Agreement.

Sweden notes with great satisfaction that the efforts by the Secretary-General, after four years of intensive consultations, have led to concrete results. All of us bear in mind those 12 long years since the adoption of the Convention, an instrument which is true proof of the codification and progressive development of international law. The Agreement on the Implementation of Part XI represents a major step towards the universal acceptance of a complete system of rules and principles of the law of the sea. The entry into force, on 16 November 1994, of the 1982 Convention, acceptable to the largest possible number of States, marks a historic milestone.

Sweden has always held the opinion that the system contained in Part XI of the Convention was too cumbersome and that it generated costs that were disproportionate to the financial gains that could be acquired from deep-seabed mining.

Sweden believes that the best strategy for developing an efficient and cost-effective Authority would be to take the evolutionary approach. Such an approach is found in the Agreement before us.

With respect to the Enterprise, we hold the view that this institution should function in accordance with strictly commercial criteria.

The growing concern for the global environment and for the protection and preservation of living resources, as referred to in the preamble to the draft Agreement, is particularly welcomed by Sweden.

Although the prospect of deep sea mining is distant, Sweden believes that the present draft Agreement constitutes a good basis for administrating the common heritage of mankind in the best interest of all countries.

The spirit of cooperation that prevailed during the informal consultations underlines the fact that the 1982 Convention is a major development of international law and that there is a real commitment on behalf of the international community to secure a wide acceptance of the Convention. With the conclusion of the Agreement on the Implementation of Part XI of the 1982 Convention, the last hindrance to universal acceptance has been eliminated.

The efforts undertaken by two Secretaries-General have been carried out in an atmosphere of pragmatism and political realism. With remarkable diplomatic skill, their Legal Counsels and advisers have managed to achieve results on the complicated questions that were before us. Under-Secretaries-General Hans Corell, Judge Carl-August Fleischhauer and Mr. Jean-Pierre Levy deserve our recognition.

I would also like to extend our gratitude to those colleagues from delegations who, by constructive thinking and hard work, have paved the way for this Agreement. We are, of course, all well aware of the instrumental role carried out by Ambassador Satya Nandan in bringing the various interest groups together.

Finally, I wish to say - and I believe that I reflect the views of the group over which I have the honour to preside, the Friends of the Convention - that we all welcome the draft resolution and the Agreement. We wish to encourage all States to participate in its adoption. The role of our group - which comprises Australia, Austria, Canada, Denmark, Finland, Iceland, Ireland, New Zealand, Norway, Sweden and Switzerland - has been to work towards a universal and widely accepted Convention on the Law of the Sea. The adoption by the Assembly of this Agreement will represent the achievement of this objective.

Mr. Fife (Norway): Because of its geography and natural environment, Norway has throughout its history taken an active interest in maritime issues. For the representatives and other officials present here today who participated in the Third United Nations Conference on the Law of the Sea, it will suffice to recall the contributions of Mr. Jens Evensen, which epitomized Norway's genuine concern for the multilateral process of codification and progressive development of international law in this field.

Since signing the law of the sea Convention at Montego Bay on 10 December 1982, Norway has continued to take an active part in the deliberations in United Nations forums on the law of the sea. These include the consultations on Part XI of the Convention that led to the draft resolution now before the Assembly for adoption. Particular mention should also be made of the ongoing Conference on Straddling Fish Stocks and Highly Migratory Species, which deals with essential issues of sustainable development to which my Government attaches the utmost importance.

Norway wishes to associate itself wholeheartedly with those who have expressed their gratitude to Secretaries-General Pérez de Cuéllar and Boutros-Ghali, as well as to their Legal Counsels and advisers, for their remarkable efforts in organizing and bringing to a successful conclusion the consultations on Part XI of the Convention. These consultations, from 1990 to 1994, have laid the groundwork for solutions to the outstanding issues concerning Part XI of the Convention, which will render the body of law regulating seabed mining acceptable to a broader group of countries.

Norway supports the spirit of compromise and realism that has inspired the modifications that will make institutions and procedures less expensive and bureaucratic, and at the same time more compatible with the market realities that will govern the development of deep-seabed mineral resources. That is why Norway has cosponsored the draft resolution so ably introduced by the representative of Fiji, Ambassador Nandan.

Mr. Hudyma (Ukraine): The adoption in 1982 of the United Nations Convention on the Law of the Sea was a milestone event in the history of international law. It is a well-known fact that this Convention is the most detailed treaty and the most representative universal effort to codify international law. Immediately upon its adoption it exerted a dominant impact on the conduct of States in marine-related matters. The Convention is undoubtedly an outstanding contribution to the maintenance of peace, justice and progress in many areas.

In its legislative practice Ukraine follows most closely the letter and spirit of the Convention. In the spirit of cooperation envisaged by the Convention, Ukraine continues the process of reviewing marine-related treaties with a view to becoming party to some of them. In accordance with the Law of Ukraine on the Applicability of International Treaties in the Territory of Ukraine, the treaties to which Ukraine is a Party form

> "an inalienable part of the national legislation of Ukraine and are applied in accordance with the procedures specified in respect of norms of national legislation".

This means that any such treaty, including the United Nations Convention on the Law of the Sea, upon its eventual ratification by Ukraine, could be invoked in any Ukrainian court.

There can be no doubt that the United Nations Convention on the Law of the Sea deserves universal participation. It is clear that unless all States participate, the benefits of the Convention will never be complete. Unfortunately until now certain difficulties have existed relating to the regime for the mining of minerals from the deep seabed. These difficulties precluded participation in the Convention by some States. Thanks to the initiative of the Secretary-General of the United Nations, these difficulties have been overcome.

Through the adoption of the Agreement relating to the Implementation of Part XI of the Convention, the door will be open to universal participation in the United Nations charter on the law of the sea. We share the view expressed yesterday by Ambassador Satya Nandan of Fiji that the adoption of the Agreement will establish another milestone in the development of the modern international law of the sea.

In this regard, the delegation of Ukraine would like to express its most sincere appreciation to the present Secretary-General as well as to his predecessor for having initiated and successfully concluded the informal consultations. I also wish to express our sincere gratitude to Mr. Hans Corell, Under-Secretary-General and Legal Counsel of the United Nations, and his predecessor Judge Carl-August Fleischhauer.

As a convention in itself, this Agreement is not, in our opinion, a totally ideal legal instrument. More importantly, however, it is the result of a political compromise. Ukraine supports in general this political compromise and will vote in favour of the Agreement.

During the last round of the Secretary-General's consultations, Ukraine and a number of other Eastern European States insisted on the equitable and just representation of all regional groups of States in the Council of the International Seabed Authority. As a result of negotiations, the compromise formulation was drafted. This formulation was called the "Ukrainian clause" by Ambassador Jalal of Indonesia, Chairman of the Group of 77. This Understanding, which I should like to read out, will be adopted at the same time as the draft resolution and the Agreement.

> "Once there is a widespread participation in the International Seabed Authority and the number of members of each regional group participating in the Authority is substantially similar to its membership in the United Nations, it is understood that each regional group would be represented in the Council of the Authority as a whole by at least three members" *(A/48/950, annex II)*.

The adoption of the Agreement and entry into force of the Convention will fully activate the role of the United Nations and its Secretariat as a body in charge of the global monitoring of the law of the sea, and an organizer of the cooperation of States in the marine-related field. One of the major tasks of the United Nations in this respect is to assist States in the implementation of the Convention and in the development of a consistent and uniform approach to the new legal regime for the oceans. Equally important is the continuation of United Nations assistance to States in their national, subregional and regional efforts towards the full realization of the benefits provided by the Convention.

Within the United Nations Secretariat, the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs has played a special role. We view this Division as a *de facto* secretariat of the Convention. With the entry into force of the Convention, the Division will be subject to even greater demands in the future. It is essential to ensure that the Division will have adequate resources to meet these demands.

At the same time, we share the view expressed by some delegations, in particular by the representative of Germany on behalf of the European Union, that the costs of the future Seabed Authority should be kept within the appropriate framework. The next session of the Preparatory Commission of the International Seabed Authority should consider this issue carefully.

Mr. Huaraka (Namibia): Today marks another significant milestone in the history of the United Nations and in the evolution of international law, in particular the law of the sea. Today the international community is looking forward to adopting the final Agreement on Part XI of the United Nations Convention on the Law of the Sea. This is a unique achievement because it will make universal adherence to the Convention possible. The sooner the Convention becomes universal, the more successful it will be in making a significant contribution to the international legal maritime order.

Almost 12 years ago, in Montego Bay, Jamaica - on 10 December 1982 - the United Nations Conference on the Law of the Sea adopted the Convention on the Law of the Sea. On that same day, 119 countries signed the Convention - the largest number of States ever to sign a treaty on the day of its adoption. This shows the tremendous importance that the international community attributed to this Convention. It is important also to note that of the 119 States that signed the Convention on that day, 92 were developing countries. This unprecedented record demonstrates the importance the developing countries attach to the Convention.

Some concepts in the Convention - for example, the exclusive economic zone, one of the most significant - emerged as a result of the initiative of the developing countries, with the active participation of the African Group. Furthermore, this principle is now generally accepted by the international community, even before its formal entry into force. It has crystallized into a principle of customary international law, through a treaty provision, and hence, many of its provisions have been implemented by a number of States - for example, the establishment of a 200-mile exclusive economic zone, a 12-mile territorial sea and several provisions related to the conservation and management of living marine resources.

Another very significant concept in the Convention is its declaration of the deep seabed outside national jurisdiction as the "common heritage of mankind". In this connection, and for the benefit of all countries, developed and developing, the area of the deep seabed can better be exploited by a regime that will oversee and control the exploration and exploitation of the minerals of the deep seabed. At this juncture, it is fitting to recognize the excellent work done so far by the Preparatory Commission for the International Seabed Authority and the International Tribunal for the Law of the Sea.

Although many countries found most provisions of the 1982 law of the sea Convention consistent with their interests and equally important to all nations, Part XI of the Convention posed serious problems to a number of countries - in particular the developed countries - and consequently the Convention as a whole remained unacceptable to them. Those States have not yet ratified or acceded to the Convention.

Namibia considers the law of the sea Convention an important international instrument. It participated actively throughout the process of negotiations and, finally, through the United Nations Council for Namibia, the legal interim authority of the Territory at that time, signed and ratified the Convention. Indeed, Namibia, on 18 April 1983, was the fifth State to ratify the Convention. Upon independence, Namibia immediately enacted the necessary law to make the United Nations Convention on the Law of the Sea part of Namibian legislation.

As is well known to members at this session, Namibia is among the countries whose marine resources were exploited and plundered mercilessly by foreign trawlers during its pre-independence period. Upon independence, Namibia therefore proclaimed a 200-nautical-mile exclusive economic zone, as provided for in the United Nations Convention on the Law of the Sea. The declaration placed Namibia in a better position to protect its marine resources, especially from illegal fishing.

Namibia welcomes the Secretary-General's report in document A/48/950 of 9 June 1994 concerning outstanding issues relating to the deep-seabed mining provisions of the United Nations Convention on the Law of the Sea. At this juncture, it is appropriate for my delegation to express its gratitude to Secretaries-General Javier Pérez de Cuéllar and Boutros Boutros-Ghali for their determination to see things through and stay the course during the difficult four years of negotiations on Part XI. The report identified nine issues as presenting major difficulties for a number of States. It is heartening to note that in a spirit of compromise agreement has been reached on almost all the aspects of Part XI that had posed some difficulties. This is indeed a great achievement.

However, my delegation would like to reiterate its position regarding the decision-making process in the organs of the Authority and also its position on the Enterprise. Namibia considers decision-making in any organization to be the most fundamental and probably the most important process for its proper management and smooth running. In this regard, as far as decision-making in the Council is concerned, Namibia maintains that, in a spirit of cooperation, equality and justice, all the categories, as indicated in article 161 (1) of the Convention, should be granted protective rights. In this era of democracy and openness, it is indeed imperative. Secondly, we believe that decisions should be reached by consensus. But where there is no agreement, voting should take place.

With regard to the Enterprise, as the organ of the Authority which shall carry out activities in the Area as well as the transporting, processing and marketing of minerals recovered from the Area, my delegation believes that unless the Enterprise is granted favourable conditions for its proper and effective functioning, it will be unable to fulfil its intended role. Therefore, the evolutionary approach and joint venture envisaged in the Agreement is quite acceptable to my delegation, but this should not be used to undermine the early and effective operation of the Enterprise.

In conclusion, my delegation is attending this resumed forty-eighth session with the objective of signing the Agreement on Part XI of the Convention on the Law of the Sea. Namibia cosponsored the draft resolution and will on Friday, 29 July 1994 -this time as an independent sovereign State - sign the Agreement. This will demonstrate the commitment of the Government of the Republic of Namibia to the principles of international law. Furthermore, my delegation is pleased to join with others in celebrating this historic occasion.

Mr. Steward (South Africa): The United Nations Convention on the Law of the Sea provides a comprehensive international legal regime for the sustainable development of the marine and coastal environments, including the responsible distribution and exploration of the deep seabed resources. Major concerns about outstanding issues on this latter aspect now belong to the past, thanks to the achievement of international consensus following four years of intense negotiations. We congratulate all those States, both developed and developing, as well as the individuals involved in forging this important consensus with the constructive assistance of the Secretariat.

South Africa welcomes the successful conclusion of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea. This is a significant achievement in multilateral diplomacy, and marks a further milestone in the history of the law of the sea, opening the way for universal acceptance of the Convention and its provisions.

South Africa supports the Agreement and considers it an integral element of the Convention. As a signatory to the Convention, South Africa will in due course take the necessary steps to sign the Agreement, whereafter it intends to initiate the domestic process of ratification of the Agreement and the Convention. Ratification is subject to parliamentary consideration and approval.

As a coastal country, situated between the vast Atlantic and Indian Oceans, South Africa is fully aware of its responsibilities and obligations in both the marine and maritime fields. Accordingly, our national legislation has gradually been brought into line with provisions of the Convention. A new Bill on Maritime Zones for South Africa will shortly be tabled in Parliament.

South Africa shares global concerns about the degradation of the marine environment. South African initiatives and endeavours to conserve coastal areas and marine ecosystems are implemented in accordance with the relevant provisions of the Convention.

The Convention and the Agreement this Assembly will adopt today contain the guiding principles for the implementation of sound policies governing all the oceans and their resources, including deep-seabed-related activities. South Africa is committed to these principles and will fully cooperate at the regional and international levels to ensure the preservation of living and non-living marine resources to the benefit of all mankind, for posterity and for the very survival of the treasures of the Earth's oceans.

Mr. Piriz Ballon (Uruguay) *(interpretation from Spanish):* When, in 1982, the Eastern Republic of Uruguay signed the United Nations Convention on the Law of the Sea in Montego Bay, it did so as the culmination of a long and arduous process of negotiations that finally led to the approval of a true code of the sea. This code covers the most important topics relating to the utilization and preservation of its resources, provides clear principles to establish the rights of States on territorial seas, the exclusive economic zone, the continental shelf, the high seas and the resources of the Area.

Throughout the negotiations on the Convention, Uruguay, as a member of the Group of territorial countries, made its approaches more flexible, in a spirit of broad compromise, to achieve an agreement that would ensure consensus among the international community on the text of the Convention.

In signing the Convention and in our Parliament, ratifying it, as provided for by the national Constitution, Uruguay joined the States that desired and sought the entry into force of the Convention.

That position demonstrates our country's interest in reaffirming once more that in relations among States opposing interests should be the subject of negotiations leading to the adoption of norms of international law.

That is why we viewed with concern the slowness in obtaining the 60 ratifications required for the entry into force of the Convention. Fortunately, that goal has been achieved, and on 16 November 1994 the organs provided for in it will be established and all the provisions will begin to regulate the very diverse questions connected with the marine activities of States.

From the experience acquired in the negotiation of the Convention and during the adoption of the text that we signed, we noted that a large number of States were unable to participate in the agreement on the text of the Convention because of their differences on the provisions contained in Part XI, on the exploitation of the existing resources of the area.

In my country's view, a reaffirmation that the existing resources of the area are the common heritage of mankind, in whose administration and exploitation all States have the right to participate, is one of the basic principles that must govern relations in connection with the law of the sea. Any limitation on that principle would have prevented us from participating in any agreement.

Because of that background that we have just described, we were optimistic about the negotiations initiated under the auspices of the Secretary-General with a view to seeking the understanding that could help us overcome the limitations of some States in regard to accepting Part XI of the Convention, limitations that prevented them from becoming parties to it.

The draft resolution and the draft Agreement before us is acceptable to our delegation, basically because an effort to achieve universal participation in the United Nations Convention on the Law of the Sea necessarily implies that the concessions achieved in it cannot be of benefit to any State that has not previously expressed, or simultaneously expressed, its consent to be bound by the Convention.

All the negotiating efforts have been undertaken with a view to achieving as soon as possible universal participation in the Convention.

Hence, we shall vote in favour of the draft resolution before us, and our signature of the Agreement will depend, as our Constitution requires, on parliamentary approval - in other words, it will be subject to ratification.

We do not wish to conclude our statement without expressing our special gratitude for the initiative which Mr. Pérez de Cuéllar started and which Secretary-General Boutros-Ghali terminated successfully. The efforts made by their representatives were of basic importance in the achievement of the texts before us today.

We wish also to emphasize and commend the work of Ambassador Nandan of Fiji, which gave shape and content to a complex negotiation, which we hope will achieve its goals

Mr. Kharrazi (Islamic Republic of Iran): I should like to join other delegations in thanking you, Mr. President, for convening these plenary meetings. I should also like to express my appreciation to the Secretary-General for his report, in document A/48/950, concerning the consultations on the outstanding issues relating to the deep-seabed mining provisions of the United Nations Convention on the Law of the Sea.

The United Nations Convention on the Law of the Sea is a set of legal norms and principles governing all forms of human activities in areas concerning more than two thirds of the planet. It is the result of skilful and lengthy discussions and, indeed, is a compromise text. On the other hand, during the past 12 years, this Convention has inspired a large number of national laws, including those of my country, and has made State practice more homogeneous in many areas.

My Government, as one of the signatories of the Convention, is committed to promoting adherence to it by all States. The participation of the entire international community is certainly necessary for the effective implementation of the provisions of the Convention.

The delegation of the Islamic Republic of Iran will support the adoption of the draft resolution and the draft Agreement in order to reaffirm its basic conviction that the integrity and the unified character of the Convention, and universal participation therein, should be assured in every possible way. It is our firm belief that all - and especially the group of developed countries as a whole - should remain faithful to the provisions of Part XI of the Convention and the Agreement together, and apply them in good faith. In my delegation's view, a major step to that end would be for all measures that have been taken so far and that are not in conformity with the objective and purpose of the Convention to be reviewed to ensure that all legal obstacles in the way of the universality of the Convention are removed effectively. National legislation enacted in some industrial countries regarding the exploration and exploitation of mineral resources of the deep seabed and concessions and licenses granted to their nationals and corporations to that end are among the measures that need to be mentioned here.

One point that is worthy of note is the possibility of failure to implement the Convention and the Agreement in future because some major industrial countries still refrain from becoming parties to them and complying with them in good faith. In that regard, reference should be made here to article 6, paragraph 1 of the Agreement, which provides for its entry into force when 40 States have established their consent to be bound by it, while the participation of only five developed States from among those mentioned in resolution II has been deemed sufficient.

As regards the principle of the common heritage of mankind, which is the main logic behind Part XI of the Convention, my delegation would like to draw attention to some of the provisions of the Agreement that have some bearing on that principle. Although it was the intention of the drafters of the Convention that the exploration phase of the deep-sea mining regime should be terminated upon the entry into force of the Convention, and the exploitation phase should commence thereafter, paragraphs 6 (a)(ii) and 9 of section 1 of the annex to the Agreement extend the exploration phase for about two more decades. This would mean, partially, that the future of deep-seabed mining and the benefits to be derived therefrom by the international community as a whole would be kept ambiguous for an extended period of time.

Another important point is that, although the principle of the common heritage of mankind has been reaffirmed in the preambles to both the draft resolution and the draft Agreement, the main element for bringing this principle into effect - that is, the establishment of a full-fledged Enterprise conducting independent activities in the area on an equal footing with other operators - has been transformed in such a way that it would not meet that requirement.

Despite the fact that the Enterprise is to conduct its initial deep seabed mining operations through joint ventures, it has been deprived of any preferential treatment from the Authority. One may recall that in accordance with article 151 (5) of the Convention, a guaranteed quantity of nickel from the available production ceiling is reserved to the Enterprise for its initial operations. In accordance with Article 11 (3), of annex IV to the Convention, the financing of the Enterprise's operations in its first mine site is to be borne by States Parties so that it can initiate activities as quickly and effectively as possible. With the deletion of these provisions, one can hardly conceive of a situation where the institution could reach the stage of being able to engage in commercial activities and compete with other operations, as the principle of the common heritage of mankind requires.

My delegation therefore maintains that the future Authority should seek possible ways and means to help the Enterprise overcome these problems and conduct its independent activities as soon as economic circumstances permit.

Mr. Treves (Italy): Italy salutes the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea as a document of outstanding importance. This Agreement succeeds in eliminating the obstacles which prevented a considerable number of industrialized countries, including Italy, from ratifying the United Nations Convention on the Law of the Sea, a Convention which we recognized from the outset as a major achievement of international cooperation.

The Agreement we are about to adopt establishes a reasonable regime for deep-seabed mining corresponding to today's economic realities without abandoning the principle of the common heritage of mankind. In so doing, it opens the way for the universality of the Convention, an objective Italy has been actively pursuing in all available forums since 1982. We are particularly satisfied to see that our efforts - most recently, in the elaboration of the "Boat paper", from which the implementing Agreement is derived - have now been crowned with a positive result.

In our view, the advantages all States obtain with the adoption of the implementing Agreement are well worth the concessions that all sides have made in order to reach it. Such advantages consist in making it possible for the Convention to soon become a treaty instrument applicable to States of all areas of the world and of every political and economic orientation. This will stabilize the existing customary law of the sea, provide a framework for the protection of the marine environment and channel disputes through peaceful means of settlement. The establishment of the International Tribunal for the Law of the Sea is the visible sign of the will, expressed in the Convention, to consolidate the rule of law in the seas and oceans.

Unavoidably, a few problems are still present. Some of them, such as those concerning the position of pioneer investors, we hope will be solved during the imminent session of the Preparatory Commission. Others - in particular that of ensuring that the Tribunal for the Law of the Sea will be established in such a way as to reflect in a balanced manner all the main legal systems and political groupings of the world - will have to be sorted out over the next few months.

This notwithstanding, the basic framework is in place, and this is our main achievement today.

Italy, of course, fully shares and supports the points made by the representative of Germany yesterday in his statement on behalf of the European Union. We felt, however, that we could not remain silent and fail to express directly our satisfaction during this momentous event. We wish to take this opportunity to announce that Italy is cosponsoring the draft resolution and that tomorrow it will sign the Agreement.

Mr. Kamunanwire (Uganda): It gives me great pleasure to take part in this historic occasion in support of the adoption of the draft resolution and the opening for signature of the Agreement on the law of the sea.

Uganda has actively participated in the crucial negotiation of the Agreement before us over the last four years, after the Secretary-General reopened informal consultations on Part XI of the 1982 United Nations Convention on the Law of the Sea. I am therefore delighted that the consultations were fruitful and that as a result we have a draft resolution and an Agreement, so aptly introduced by Fiji and sponsored by countries representing a broad spectrum of interests.

I should also like to express deep appreciation to the Chairman and the members of the Group of 77, who kept the consultations on this historic Agreement at the forefront of their agenda and thereby ensured a satisfactory degree of participation and consensus in the informal consultations.

The reaffirmation of the principle of the common heritage of mankind, as enshrined in the draft resolution, is of particular interest to all land-locked countries, which include Uganda, inasmuch as their distance from the sea increases their reliance on its being free and accessible. It is therefore gratifying that the draft resolution and Agreement have received wide support, and it is my sincere hope that participation will be just as wide and enthusiastic.

The Agreement is a further attestation that the international community is increasingly aware of the need to develop responsibly and that States are indeed determined to strike a balance between the commercial advantages that new technologies afford with the need to preserve and protect their environment for the benefit of all, so that when pioneer investors and those who follow them into the unexplored area of deep seabed mining begin their commercial activities they will abide by a regime which is internationally acceptable and ecologically sound.

Uganda has already signed and ratified the 1982 Convention. I therefore look forward to joining other Member States in adopting the draft resolution, and signing the Agreement tomorrow, after which it will be submitted to the appropriate national authorities for ratification.

Mr. Pursoo (Grenada), Vice-President, took the Chair.

Mr. Cabello (Paraguay) *(interpretation from Spanish):* These meetings of the General Assembly, convened under the item on the law of the sea, is an important step for the international community in its search for universal legislation for the oceans. The Assembly must be aware of the importance of the imminent entry into force of the United Nations Convention on the Law of the Sea of 1982, which is not only a fundamental milestone in the progress made in international maritime law, but also an instrument that will influence future legislation in various areas and consolidate the process of codifying international law, a longstanding aspiration of mankind and one of the principal purpose of the United Nations Charter.

Having obtained the necessary number of ratifications for the Convention to enter into force, the States Parties must now achieve a broader universality and begin the rational and controlled exploitation of the resources of the sea, a common heritage of mankind.

For Paraguay, a land-locked country, its responsibility is even greater in the search for consensus that will allow for the signing and ratification of the Convention by all peoples of the planet. We therefore have no hesitation whatsoever in stating our support for the draft Agreement relating to the Implementation of Part XI of the Convention and its annex. That position is based on our desire to facilitate the access of a greater number of States to these norms and the pragmatic implementation of its provisions without distorting the core import of the international instrument. We believe that this has been achieved in the text before us today.

That having being established, the institutions provided for in the Convention will be able to begin their work confident that they are taking decisions on behalf of all the people of the world, who will thus benefit from the use and exploitation of the seas. Furthermore, we are convinced of the need for the immediate and universal implementation of these norms to guarantee the principle of equity in their use and exploitation and to ensure peace and security in this context.

We hope that the reforms to which the provisions of the Convention are subject will always be inspired - as those who have spoken before us today have mentioned - by the obligation to preserve the integrity of the Convention. Paraguay, a land-locked country and one of the first to ratify the Convention of the Law of the Sea in 1986, feels particularly duty-bound to preserve the spirit that inspired those who for many years contributed to establishing this legal monument, a spirit that was based on the principles of universality, non-discrimination and equal opportunity and participation for all peoples.

Ancient peoples found happiness in their proximity to the sea. Young nations such as ours see and consider the sea as part of their common future.

Mr. Smejkal (Czech Republic) *(interpretation from French):* The year 1994 will finally see the definitive birth of the new law of the sea, marking the culmination of a particularly complex and difficult gestation that has experienced high and low points as well as sometimes surprising revivals - surprising for the non-initiated - over the course of the many years that have elapsed since the Third United Nations Conference on the Law of Sea.

Despite all these vicissitudes - which, let us hope, now belong to the past - the Convention signed at Montego Bay in 1982 will enter into force on 16 November 1994. In this respect, we can now expect that this will eventually occur in favourable and promising conditions, provided that the adoption of the draft resolution containing the text of the draft Agreement relating to the Implementation of Part XI of the Convention, which we are now considering, will allow for and encourage - as we are sure it will - the support of many States for the Convention in its modified form.

In these circumstances, the door will certainly be open to true universal participation, which we feel is highly desirable. It is quite obvious that, in this context, the overlapping of different and largely incompatible legal regimes would but seriously compromise the security and foreseeable nature of the law, and further threaten eventually to become a strong factor for destabilization and conflict within the many activities regulated by the law of the sea. Undoubtedly, on the purely legal level, the collapse of the law of the sea regime remains possible, but we are convinced that those States which have already ratified the Convention will, to express their readiness to be bound by the provisions of the Agreement, resort in great number to the simplified procedures provided for that purpose. For our part, the need for a unified law of the sea and the spirit of compromise that should devolve from it moved and guided us in our consideration of the draft Agreement that resulted from the Secretary-General's informal consultations.

The Czech Republic is a land-locked State, but it is nevertheless directly affected not only by many issues falling within the provisions of the Convention in general - and the right of access to the sea is in this respect but one instance among others - but also and particularly by the rules applying to the deep seabed, especially in its capacity as a State that is currently cosponsoring a duly registered pioneer investor. We therefore closely followed the debates in the informal consultations and actively participated in the work of the Preparatory Commission. It would be futile, however, to attempt to conceal the fact that the final results do not fully satisfy us. Indeed, we are forced to conclude that, as concerns the membership of the Council of the future Authority, our efforts to make our position heard were unfortunately in vain, although we offered weighty arguments in favour of our decidedly modest claims. We deeply regret this. I will not speak at length on this subject; the representative of Poland did so yesterday, and very well, and I can only endorse the pertinent aspects of his statement.

This being the case, we are realistic and are aware of the incontestable assets of the text before us, which in our opinion ultimately make it a balanced compromise reasonably acceptable to all the members of the international community. To be very brief, it might simply be noted that the Agreement achieves a generally satisfactory synthesis of such highly controversial issues as the Authority's operating costs, the question of basic rights and the general establishment of investors' obligations, the statute of the Enterprise or the transfer of technology. Lastly, with respect to form, the text wisely and most appropriately provides for the provisional implementation of the Agreement.

In conclusion, I should like to emphasize that we will vote in favour of the draft resolution adopting the text of the Agreement relating to the Implementation of Part XI of the 1982 Convention on the Law of the Sea. The Czech Republic intends, moreover, to apply the Agreement provisionally and to sign it as soon as the internal procedures relating to it have all been carried out.

Mr. Monteiro (Cape Verde) *(interpretation from French)*: My delegation's deep concern with the current item on the agenda is shared by many others. As an island State, Cape Verde has lived its entire history in, and bases its future on, a close and multifaceted relationship with the sea.

The need to have available a universal code for the international community's activities *vis-à-vis* the sea, which covers such a large part of the planet, led to the elaboration of a document unanimously viewed as historic: the United Nations Convention on the Law of the Sea. Since its adoption in 1982, this Convention has provided truly valuable motivation and guidance for States' practices and a unique point of reference. Thus my country ratified the Convention and subsequently drew up a new maritime legislative package. We warmly welcome the time, soon to come, when this collective instrument will enter into force.

The item now on the Assembly's agenda covers an extremely important section of the Convention: that of the regime governing the exploitation of the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.

The regime set out in Part XI of the Convention was not successful - this is a fact - in promoting the broad adherence that is considered vital for the Convention to acquire the character of a universal code. The consultations begun by the former Secretary-General, Mr. Pérez de Cuéllar, and continued by his successor thus became vital.

The Secretary-General's excellent report on the lengthy and complex consultations that took place reminds us fully and precisely of the issues that were at stake at the time. Some concerned adaptations generally recognized as matching the new international scenario; others were aimed at balancing the interests of the protagonists involved.

I feel impelled to voice the general view that we are indebted to the tireless efforts and diplomatic ingenuity of those persons who so efficiently carried out and participated in this process, particularly the Secretary-General, Mr. Boutros-Ghali, his predecessor and their colleagues.

Cape Verde, which added its own modest contribution to the multilateral search for viable solutions, considers that an honourable result has been achieved: that which is offered to us today in the form of a draft Agreement - a product that is certainly not ideal nor finalized, but which my Government endorses and which my delegation is ready to adopt.

I hope to have the opportunity to sign this Agreement at the end of these meetings, subject to ratification in conformity with Cape Verde law and the text of the Agreement itself.

Mr. Larrain (Chile) *(interpretation from Spanish)*: The adoption of the United Nations Convention on the Law of the Sea represents one of the most important milestones in the history of the United Nations and is a concrete reflection of what this Organization can do to find consensus solutions that are acceptable to the entire international community with respect to problems of great scope and complexity.

The Third United Nations Conference on the Law of the Sea and the Convention itself constitute an unparalleled contribution to international law for the United Nations and all international organizations as a whole.

The legal order for the seas and in particular the interests of the developing countries require priority attention from all States. The Convention on the Law of the Sea establishes a 200-mile exclusive economic zone, initiated by Chile in 1947; a regime for the administration of fisheries; a mechanism for the prevention of pollution; the promotion of scientific research; a registry of basic geographic coordinates; and regimes governing islands, international straits, and deep-seabed mining.

For Chile, a maritime and fishing country that has nearly 7,000-mile coastline on its continental, insular and Antarctic territory, the Convention is of great importance. My country signed the Convention with great satisfaction, based fundamentally on the fact that it encourages the primacy of law, cooperation among States and international order and justice. Furthermore, the Convention establishes, for the first time, comprehensive regulation of the seas.

This session marks a new milestone with respect to the Convention on the Law of the Sea. It is a formal reflection of agreement on Part XI of the Convention on deep-seabed mining and the international zone, which the international community had not been able to reach.

I must express the satisfaction of the Government of Chile with the Secretary-General's report in document A/48/950, which is the result of consultations on the pending questions with regard to the provisions of Part XI of the Convention; this constitutes an important step towards the universal acceptance of the Convention on the Law of the Sea. This report is the consolidation, a few months before the entry into force of the Convention on the Law of the Sea, of the objectives we had in mind when we started the process 20 years ago.

The negotiation process had various aspects and stages. In that respect, the delegation of Chile in 1986, during the fortieth session of the General Assembly, made an appeal for changes to be made to Part XI of the Convention with a view to obtaining its universal acceptance. Furthermore, the Group of 77 in 1987 expressed its willingness to begin a dialogue with any interested country, whether it be a signatory of the Convention on the Law of the Sea or not, with a view to resolving the problems standing in the way of ratification of or accession to the Convention.

All of this allowed the then Secretary-General of the United Nations, Mr. Javier Pérez de Cuéllar, to initiate under his aegis the process of consultations, which was continued by the current Secretary-General and his Legal Counsels, Mr. Fleischhauer and Mr. Corell, all of whom deserve our sincere gratitude.

The Agreement we are hailing today, which reflects to a great extent the political and economic changes of the last decade, is the result of an arduous and complex process of negotiations in which we all had to make concessions in the general interest of the international community. From that viewpoint, the contribution made by the developing countries deserves special recognition.

The President returned to the Chair.

Chile believes that with regard to the seabed, it is of great importance that the International Seabed Authority - in the period between the entry into force and the approval of the first plan of work for the exploitation of the mineral resources - establish clear norms for the protection and preservation of the marine environment; similarly, the principles agreed upon in the consultations relating to not granting subsidies with regard to the international zone must be upheld.

The historic agreement reached today is the culmination of a very important stage in the history of the United Nations, in the progressive development of international law, and in initiating a new process of implementation of the provisions of the Convention on the Law of the Sea as a main instrument governing the use of the seas. We hope that this new stage will be entered into with the same spirit that led to the adoption of the Convention on the Law of the Sea.

Mrs. Kaukdranta (Finland): It is a great pleasure for Finland to be participating in this discussion at this historic moment. At Montego Bay 12 years ago, the signing of the Final Act of the Third United Nations Conference on the Law of the Sea and the opening for signature of the law of the sea Convention were described as the culmination of a major process of codification and development of international law. I quote the statement of the then Secretary-General, Mr. Javier Pérez de Cuéllar:

> "In order to affirm that international law is now irrevocably transformed so far as the seas are concerned, we need not wait for the process of ratification of the Convention to begin."

Indeed, the Convention has already had an important impact on the development of the law of the sea. A considerable part of its provisions have been consecrated as customary international law. However, as we all know, this has not been the case with the provisions related to the Area. The relation of Part XI to the rest of the Convention has been often, and rightly so, referred to in terms of "two conventions in one". There is no need at this juncture to go into the problems the international community would have faced had this situation prevailed after the entry into force of the Convention. With the draft implementation Agreement now before us, the integrity of the law of the sea Convention can be ensured. This is a major achievement. Acceptance and ratification of the Convention by the largest possible number of States constitutes by far the best framework for the transformation of the law of the sea that is already under way.

The informal consultations initiated and organized by the Secretary-General have constituted a major cooperative effort. Our thanks for this go to the Secretary-General, Mr. Boutros Boutros-Ghali, and his predecessor; to the Legal Counsel, Mr. Hans Corell, and his predecessor, Mr. Carl-August Fleischhauer; as well as to the Division for Ocean Affairs and the Law of the Sea. We wish also to thank all the delegations that, with their pragmatic and constructive attitude, with innovative ideas and with their patience, contributed to the conclusion of the draft Agreement.

As regards the institutional arrangements and costs to States Parties, the thrust on cost-effectiveness and the evolutionary approach adopted in the draft Agreement are highly relevant in view of the distant prospects for the beginning of commercial activities in the deep seabed. The provisions on the Enterprise, decision-making, the Review Conference, transfer of technology, production policy, economic assistance, financial terms of contracts and the Finance Committee as they now stand constitute a feasible framework for the work of the future International Seabed Authority. Let us hope that the cooperative spirit that has allowed for the conclusion of the draft agreement will continue in the future, thus facilitating the creation, in accordance with the Convention and the draft Agreement, of a pattern of cooperation in the interests of all mankind.

Like previous speakers, we are also pleased with the reference in the preamble of the draft Agreement to the importance of the Convention for the protection and preservation of the marine environment and its living resources.

Let me conclude by announcing that Finland has joined in sponsoring the draft resolution and will sign the draft Agreement tomorrow, with the customary reservation regarding ratification.

The President: We have heard the last speaker in the debate on this item. I call on the representative of Indonesia on a point of order.

Mr. Djalal (Indonesia): I am grateful to you, Mr. President, for this opportunity to convey one or two points.

The Group of 77, with which I have consulted, feels that the President should announce the time of the vote on the draft resolution so that there can be as many members in the Hall as possible for its adoption.

Secondly, we have been told that quite a few new States are being added to the list of sponsors of the draft resolution since the representative of Fiji introduced it yesterday. We hope that, before the vote, the President will read out the updated list of sponsors of the draft resolution.

Thirdly, a number of members of the Group of 77 have asked me to state our exception to the interpretation offered this morning by the delegation of the Russian Federation of the meaning of the concept of the common heritage of mankind. It continues to be the view of the Group of 77 that the exploration and exploitation of seabed resources within the context of the common heritage of mankind can take place only within the framework of the Convention and the draft Agreement upon which the Assembly will take a decision today - and not outside that framework.

The President: It had been my intention to proceed to the vote on the draft resolution now; in the absence of any proposal to the contrary, I shall do so.

Further, I shall of course read out the full list of sponsors of the draft resolution.

We shall now proceed to consider draft resolution A/48/L.60.

Before calling on the first speaker in explanation of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegates from their seats.

Mr. Valencia (Ecuador) (*interpretation from Spanish*): Although Ecuador participated actively in the process of drawing up the United Nations Convention on the Law of the Sea, we did not adhere or subscribe to the Convention or any other instrument deriving from the Third United Nations Conference on the Law of the Sea for the reasons we put forward in our statements made on 30 April 1982, at the time of the adoption of the Final Act of the Conference, and on 10 December 1982, when the Convention was adopted.

Under these circumstances, and in conformity with the aforementioned reasons, Ecuador can neither participate in the adoption of the Agreement relating to the Implementation of Part XI of the Convention nor go along with the consensus to approve the draft resolution and Agreement.

We declare, therefore, that we are not bound by this Agreement and will not apply it provisionally. We will be bound by it only should we feel it necessary at some point, and we will make notification of this in writing when the internal and comprehensive process of analysis now taking place is concluded.

However, the delegation of Ecuador appreciates the efforts carried out in particular by numerous developing countries which have accepted, with this Agreement, the requirements imposed by the evolution of the international situation, in the aim of achieving the broadest possible adherence to the Convention thus partially revised, and consequently of obtaining its general and effective implementation.

Finally, the delegation of Ecuador wishes to note its satisfaction at the very useful initiative of the Secretary-General to convene the series of informal consultations on Part XI of the Convention, with, of course, the important participation of all delegations, which has made it possible to reach a balanced formula that will ensure the further development of the law of the sea. The developing countries and the members of the Permanent Commission of the South Pacific who signed the historic Agreement of Santiago of 18 August 1952 have made a special contribution to that progress.

The President: We have heard the only speaker in explanation of vote before the vote. The Assembly will now take a decision on draft resolution A/48/L.60.

I should like to announce that the following countries have now become sponsors of draft resolution A/48/L.60, in addition to the sponsors read out by the representative of Fiji in his introduction of the draft resolution yesterday: Belgium, Benin, Brazil, Cameroon, China, Denmark, Finland, France, Guinea-Bissau, Guyana, Ireland, Italy, Luxembourg, Norway, Papua New Guinea, Portugal, Samoa, Senegal, Seychelles, the Solomon Islands, Spain, Sweden, Trinidad and Tobago, the United Republic of Tanzania, Uruguay and Vanuatu.

The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/48/964.

In addition, I would like to take this opportunity to read out the text of the informal understanding reached in the course of the negotiations, which is contained in annex II of document A/48/950:

> "Once there is a widespread participation in the International Seabed Authority and the number of members of each regional group participating in the Authority is substantially similar to its membership in the United Nations, it is understood that each regional group would be represented in the Council of the Authority as a whole by at least three members."

I shall now put to the vote draft resolution A/48/L.60. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Cape

Verde, Chile, China, Congo, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Denmark, Egypt, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Grenada, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Samoa, Saudi Arabia, Senegal, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Viet Nam, Zimbabwe

Against: None

Abstaining: Colombia, Nicaragua, Panama, Peru, Russian Federation, Thailand, Venezuela

The draft resolution was adopted by 121 votes to none, with 7 abstentions (resolution 48/263).*

The President: Before calling on the first speaker in explanation of vote after the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Béliz (Panama) *(interpretation from Spanish):* The Republic of Panama has decided on this occasion once again to abstain, given that we have to overcome certain obstacles on the domestic front. This matter is still before the National Assembly.

Mr. Rivero Rosario (Cuba) *(interpretation from Spanish):* The draft resolution and the draft Agreement which have been put to the vote are the result of great efforts to achieve universality of the United Nations Convention on the Law of the Sea, which was signed in Jamaica on 10 December 1982.

Cuba had the honour of being one of its 119 signatories and has the distinction of being one of the 60 ratifying States which, over the last 12 years, we have gradually seen rise to the minimum required. Cuba signed and ratified the Convention and, of course, any changes in it would require a constitutional process and decision at the same level of ratification.

Our country is also aware that a Convention such as that on the law of the sea, adopted by the Third United Nations Conference on the subject, is considered as an irrevocable change in international law, as was announced by the then Secretary-General, Mr. Pérez de Cuéllar, on the day the Convention was signed. The United Nations has worked for almost 20 years to achieve this end, and this historic text deserves universal approval because of its contribution to the maintenance of peace, justice and progress for all peoples.

The first summit of the Latin American countries made it clear that the principles declared by the General Assembly are not negotiable, and that the deep seabed and its subsoil beyond the limits of national jurisdiction as well as its resources are the common heritage of mankind. On the other hand, we must seek means to achieve the universal participation of States. Cuba believes that the wording of some articles of the amended Part XI is unsatisfactory, especially since Cuba extracts minerals from its soil and will be affected by the exploitation of the same minerals in the seabed. It is precisely those passages of the text of the 1982 Convention in Part XI that granted certain protection, which among other amendments have been altered in the new version just adopted.

Nevertheless, we understand that this is not the time to weigh the advantages and disadvantages to everyone but to take a constructive and realistic position in order for the Authority to begin the exploration, exploitation and conservation of the seabed, in keeping with the aforementioned principles.

For all these reasons, Cuba voted in favour of the resolution.

Statement by the President

The President: I shall now make a statement in my capacity as President.

Today the General Assembly has adopted the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. The primary objective of the

Agreement is to facilitate universal participation in the 1982 Convention on the Law of the Sea and to promote appropriate representation in the institutions which it established.

As history's first comprehensive treaty on the law of the sea, the Convention established a legal order for practically every aspect of the uses and resources of the seas and oceans, providing thereby more stability and predictability in the conduct of States with regard to maritime activities. The Convention on the Law of the Sea is therefore without any doubt an important contribution to the maintenance of peace, justice and progress for all peoples of the world.

The Convention includes a comprehensive system for the peaceful settlement of disputes. This is the pivot upon which the delicate equilibrium of the compromises to be found in the Convention must be balanced.

One feature of this Convention which is sometimes overlooked and which in fact makes it so different from previous instruments on maritime matters is its emphasis on technical assistance.

The Convention expressly exhorts States to develop the technical capacity of developing countries with regard to the conservation and management of marine resources, marine scientific research and the protection of the marine environment with a view to accelerating their social and economic development. It is to be hoped that this provision will be fully satisfied to ensure equity in the exploitation of the resources of the seas and oceans.

Even before its adoption in 1982, the Convention on the Law of the Sea was already exerting a significant influence on the maritime practice of States, especially with respect to maritime areas falling within their national jurisdiction. International organizations, both global and regional, have also based their actions on the norms contained in the Convention.

It is well known, however, that because of their dissatisfaction with certain aspects of the deep-seabed mining regime, none of the major industrialized States has ratified or acceded to the 1982 Convention on the Law of the Sea.

To remedy this situation, the former Secretary-General, Mr. Javier Pérez de Cuéllar, took the initiative in 1990 to convene informal consultations with the declared object of achieving universal participation in the Convention. Thus began a series of informal meetings focusing on the deep seabed mining issues which had prevented the industrialized States from participating in the Convention.

In 1992 the consultations were continued under the aegis of Secretary-General Boutros Boutros-Ghali. It may be recalled that on 16 November 1993 my own country, Guyana, ratified the Convention, becoming the sixtieth State to have deposited its instrument of ratification or accession, thus enabling the Convention on the Law of the Sea to enter into force on 16 November 1994. The impending entry into force of the Convention gave a sense of urgency to these consultations. Three rounds of consultations were held in 1994. At the final round, there appeared the final outcome of these consultations, the Agreement, which the General Assembly has adopted today. I wish to pay sincere tribute to all those who worked so long and so hard to achieve this splendid result.

This Agreement must be viewed as an instrument whose main intent is to pave the way for wider participation in the United Nations Convention on the Law of the Sea. Wider participation not only will result not only in preserving the integrity of the Convention but will also serve to consolidate and strengthen its provisions.

Let us therefore hope that the spirit of international cooperation which helped to construct this unique Convention will inspire its implementation after its entry into force.

I am now pleased to call on the representative of the Secretary-General to make a statement.

Mr. Corell: The Secretary-General, Mr. Boutros Boutros-Ghali, regrets that he is unable to attend this historic resumed forty-eighth session of the General Assembly. I have been asked, in my capacity as Legal Counsel, to make this statement on his behalf.

As the international community strives for a new, more peaceful order in the relations among States, the United Nations Convention on the Law of the Sea stands as a monument to international cooperation, mutual understanding, shared responsibility and an undertaking to resolve differences by resorting to the rule of law rather than to the use of force. Today, we celebrate the achievement of another milestone in our quest for a stable legal order for the oceans.

The adoption today by the General Assembly of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea is the culmination of four years of informal consultations begun by Secretary-General Javier Perez de Cuellar and continued by Secretary-General Boutros Boutros-Ghali with the aim of achieving universal participation in the Convention. This Agreement seeks to achieve a number of important goals, chief among them being the safeguarding of the unified nature of the Convention by securing for it the universal support of the community of nations.

The United Nations Convention on the Law of the Sea is widely recognized as a significant component of the global system of peace and security of which the Charter of the United Nations is the foundation. Through its codification and progressive development of the law of the sea, the framers of the Convention hoped that it would contribute to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of the Charter.

The Convention on the Law of the Sea has invariably stood out as an ambitious undertaking in the scope of the concerns it seeks to address and the issues it seeks to anticipate and settle. It has often been said that the genius of the Convention lies in the delicate balance it strikes between the benefits it bestows on States and the obligations it demands of those same States. Indeed, it may be said that its lasting mark may well be its anticipation of problems and the guidelines it lays down for their resolution. We need look no further than the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, which will convene its fourth session shortly, as an example of an attempt to resolve a major challenge facing the international community on the basis of the regime for high-seas fisheries found in the Convention.

From the date of its adoption, the Convention has exerted a dominant influence on the development of the international law of the sea and on the maritime practice of States. Over the years, its provisions on the territorial sea, the exclusive economic zone, the continental shelf, navigation and strategic uses of the ocean, marine scientific research, and the protection and preservation of the marine environment have become the standard against which State practice is measured.

Today, these provisions underpin the laws of many countries, and serve as a framework for a number of cooperative measures. For example, the 12-mile limit for the breadth of the territorial sea is almost universally accepted; most coastal States have taken steps to exercise their rights over the resources of their exclusive economic zone; and a number of treaties and agreements have been concluded with a view to protecting the marine environment on the basis of the framework contained in the Convention.

In the area of dispute settlement, the Convention is the accepted reference point for the peaceful resolution of maritime disputes, its provisions being consistently applied by the International Court of Justice and other arbitral bodies.

And yet, despite these major achievements, the stability of the legal order embodied in the Convention has invariably been threatened by the failure of a number of countries, most notably the industrialized States, to give it their wholehearted support due to the difficulties they had with its deep seabed mining provisions.

The Secretary-General has often stated the view that the only way to avoid a weakening of the Convention, and the dangerous implications that were sure to follow, was to resolve the difficulties with the deep-seabed mining provisions that had stood in the way of universal acceptance. As Secretary-General of the United Nations, and depositary of the Convention, his primary concern has been to avert the obvious dangers of a weakened international law of the sea regime in which few of the industrialized countries participate as parties. That is why the Secretary-General has wholeheartedly supported and continued the informal consultations begun by his predecessor with the aim of resolving the remaining difficulties over the deep-seabed mining provisions with the aim of securing universal participation in the Convention.

In all, 15 rounds of informal consultations have been held over the past four years. It is a tribute to the sense of purpose, seriousness and practicality with which these consultations have been held that we have been able to achieve agreement on the means of implementing the deep seabed mining provisions in a way that will encourage all States to participate fully in the Convention.

The Agreement, which has just been adopted, achieves this goal by removing the obstacles that have so far prevented many States, particularly the industrialized States, from participating in the Convention. Inasmuch as the Agreement further strengthens the Convention and the principles it embodies by its reaffirmation of the unified character of the Convention, it must be recognized as a significant contribution to the development of international law in general and to the law of the sea in particular.

The Agreement, which will be applied provisionally upon the entry into force of the Convention, may not live up to our highest expectations from a purely legal standpoint. However, its importance and significance lies in its ability to address a political need in such a way as to pave the way for universality. Thus, it stands as a major achievement of the international community and a success for the United Nations at a time when we are all faced with difficulties and challenges that may at times seem daunting.

It has been the Secretary-General's privilege to preside over the informal consultations the result of which you have in your hand in the form of this Agreement. On his behalf, I take this opportunity to pay tribute to each and every delegation for its dedication and sense of purpose and the spirit of compromise that have made this historic session possible. The Secretary-General extends his appreciation and gratitude to each and every one of you.

The President: We have thus concluded this stage of our consideration of agenda item 36.

I should like to inform delegations that the Agreement will be open for signature at a ceremony to take place tomorrow, Friday, 29 July 1994, at 3 p.m. in the General Assembly Hall.

The meeting rose at 12.50 p.m.

Annex

Changes in recorded and/or roll-call votes

Resolution 48/263

Subsequent to the voting, the delegations of Barbados, Gambia, Haiti and the Solomon Islands advised the Secretariat that they had intended to vote in favour.

United Nations A/48/PV.102

General Assembly
Forty-eighth Session

102nd Meeting
Friday, 29 July 1994, 10 a.m.
New York

Official Records

President: Mr Insanally . . . . (Guyana)

The meeting was called to order at 10.40 a.m.

Agenda item 127 *(continued)*

Scale of assessments for the apportionment of the expenses of the United Nations (Article 19 of the Charter) (A/48/853/Rev.1/Add.3)

The President: In a letter contained in the provisional version - in blue - of document A/48/853/Rev.1/Add.3, the Secretary-General informs me that since the issuance of his communications dated 9 March, 5 April and 26 May 1994 Haiti has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter.

Through an apparent oversight, the Assembly was not informed earlier of this payment, which was made last June.

Had Haiti been allowed to vote yesterday morning, it would have voted in favour of draft resolution A/48/L.60.

I convey my regrets to the delegation of Haiti.

May I take it that the Assembly duly takes note of this information?

It was so decided.

Agenda item 8 *(continued)*

Adoption of the agenda and organization of work: twelfth report of the General Committee (A/48/250/Add.11)

The President: The twelfth report of the General Committee (A/48/250/Add.11) concerns a request by a number of countries for the inclusion in the agenda of the current session of an additional item entitled "Observer status for the Sovereign Military Order of Malta in the General Assembly".

The General Committee decided to recommend to the General Assembly that the item should be included in the agenda of the current session.

May I take it that the General Assembly decides to include this additional item in its agenda?

It was so decided.

The President: The General Committee further decided to recommend to the Assembly that the item should be considered directly in plenary meeting.

May I take it that the Assembly adopts this recommendation?

It was so decided.

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum. When the result of a recorded and/or roll-call vote is followed by an asterisk, see annex to the record.

Agenda item 53

Revitalization of the work of the General Assembly: draft resolution (A/48/L.61)

The President: Members will recall that on 10 November 1993 I announced the establishment of an informal open-ended working group with a view to carrying out the tasks set forth in resolution 47/233 and to seeking a consensus text before the conclusion of the forty-eighth session. I indicated then that I had requested the Permanent Representative of Sri Lanka, His Excellency Ambassador Stanley Kalpagé, and the Permanent Representative of Uganda, His Excellency Ambassador Karukubiro Kamunanwire, to serve as co-chairmen of this informal working group and thus to assist me in the task of advancing the revitalization of the work of the General Assembly.

I am happy to report that under these two distinguished co-chairmen, the working group, which began its work on 27 January 1994, successfully completed its mandate on 8 July 1994 with the adoption by consensus of the draft resolution in document A/48/L.61 now before the Assembly.

In the draft resolution, the General Assembly would recognize the usefulness of continuous improvement of its working methods to enable it to function more effectively, efficiently and in a comprehensive manner.

The text establishes agreed procedures concerning the pattern of elections of the six Chairmen of the Main Committees respectively of the forty-ninth to the fifty-third sessions of the General Assembly.

Provision is also made for the General Assembly to consider the creation of new bodies to facilitate the discussion of any question or any matter within the scope of the Charter as well as for making recommendations as appropriate to the membership of the United Nations or to the Security Council or both.

Under the draft resolution the Assembly would encourage the Security Council in its submission of reports to the Assembly to provide in a timely manner clear and informative accounts of its work, and invites the President of the Assembly to propose ways and means to facilitate an in-depth discussion thereon.

The draft resolution also indicates valuable guidelines on the future rationalization of the agenda of the General Assembly.

In operative paragraph 13 of the draft resolution, the Assembly, considering that the revitalization of the work of the General Assembly is an ongoing process, would request the Secretary-General to report to the fifty-second session on progress in the implementation of the resolution, after ascertaining the views of the Presidents of the forty-ninth, fiftieth and fifty-first sessions of the General Assembly.

Against this background, I recommend this draft resolution for adoption by the General Assembly by consensus. In doing so, I would like to pay special tribute to Ambassador Kalpagé and Ambassador Kamunanwire for their untiring efforts in coordinating the work of the working group on my behalf, and for achieving the level of success which this draft resolution represents. My felicitations extend of course to all members of the working group on the effective discharge of its mandate, and to the Secretariat on the servicing of its deliberations.

Our task, however, is far from completed. The Assembly must therefore remain committed to exploring further ways and means of enhancing its capacity to perform the functions assigned to it under the Charter of the United Nations. It is only by so doing that we can make it more responsive to the needs of our countries and peoples in the altered circumstances of the world today.

The Assembly will now take a decision on draft resolution A/48/L.61. May I take it that the Assembly decides to adopt it?

Draft resolution A/48/L.61 was adopted (resolution 48/264).

The President: I call on the representative of Malta, who has expressed the desire to speak following the adoption of the draft resolution.

Mr. Balzan (Malta): My delegation welcomes the adoption by consensus of draft resolution A/48/L.61. That consensus was made possible by the leadership of your co-chairmen, Mr. President, and by the flexibility shown by all delegations throughout our discussions. We believe that the 13 meetings of the informal open-ended working group on the revitalization of the work of the

General Assembly produced a resolution that will enhance the capacity of the General Assembly to exercise the functions and powers assigned to it under the Charter, so that it can play a more effective role within the Organization.

The Deputy Prime Minister and Minister of Foreign Affairs of Malta, Mr. Guido DeMarco, as President of the General Assembly at its forty-fifth session, initiated and led the process of revitalization and was the driving force in ensuring the continuation of that process through the adoption by the General Assembly of decision 45/461, by which it decided to include the item in the agenda of the forty-sixth session of the General Assembly.

Throughout his presidency, Mr. Guide DeMarco advocated the need for revitalizing the General Assembly, as well as the need to enhance the office of the President. In this connection, my delegation welcomes the invitation in paragraph 4 of the resolution just adopted to the President to propose ways and means to facilitate an in-depth discussion by the Assembly of matters contained in the reports submitted to it by the Security Council.

We also welcome the acceptance in this resolution of our proposal for a report to the General Assembly at its fifty-second session by the Secretary-General on the progress achieved in the implementation of the resolution, taking into account the views and experience of the Presidents of the Assembly at its forty-ninth, fiftieth and fifty-first sessions. This provides a degree of continuity while at the same time ensuring an adequate time period for the measures envisaged in the resolution. My delegation looks forward to that report, and is confident that the process of revitalization will continue to retain the appropriate momentum.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 53?

It was so decided.

Introduction of reports of the Fifth Committee

The President: The General Assembly will now consider the reports of the Fifth Committee on agenda items 121, 123, 136, 138, 149 and 166. I request the Rapporteur of the Fifth Committee to introduce the reports of the Fifth Committee in one intervention.

Mr. Kabir (Bangladesh), Rapporteur of the Fifth Committee: I have the honour today to present to the General Assembly the reports of the Fifth Committee related to the remaining outstanding items of the forty-eighth session of the General Assembly.

Regarding agenda item 121, entitled "Review of the efficiency of the administrative and financial functioning of the United Nations", part III of the report of the Fifth Committee is contained in document A/48/801/Add.2. In paragraph 7 of that report, the Committee recommends to the General Assembly the adoption of a draft resolution, and in paragraph 8 of the report the adoption of two draft decisions. The Fifth Committee adopted the draft resolution and the two draft decisions without a vote.

Also under agenda item 121, concerning the question of the deferral of items to the forty-ninth session, part IV of the report of the Fifth Committee is contained in document A/48/801/Add.3. In paragraph 5 of that report the Committee recommends to the General Assembly the adoption of a draft decision, which was adopted by the Committee without a vote.

Regarding agenda item 123, "Programme budget for the biennium 1994-1995", part V of the report of the Fifth Committee, on several outstanding issues, is contained in document A/48/811/Add.4. In paragraph 15 of the report, the Committee recommends to the General Assembly the adoption of two draft resolutions. Draft resolution I relates to the question of reclassification of posts in the Professional categories, and draft resolution II relates to the question of a continuing United Nations human rights presence in Cambodia; both draft resolutions were adopted by the Committee without a vote. In paragraph 16 of the report, the Committee recommends to the General Assembly the adoption of two draft decisions. Draft decision I is entitled "Staffing and functions of the Office of the United Nations High Commissioner for Human Rights and of the Centre for Human Rights", and draft decision II is entitled "United Nations Special Coordinator in the Occupied Territories". Both draft decisions were adopted by the Committee without a vote.

I should mention that, with respect to agenda item 127, "Scale of assessments for the apportionment of the expenses of the United Nations", on the determination of the mandates and modalities of an *ad hoc* body of the General Assembly to study the implementation of the principle of the capacity to pay as a fundamental criterion for determining the scale of assessments, in pursuance of General Assembly resolution 48/223 C, after an oral report from the coordinator of that question the Fifth Committee decided to revert to this question at a later date.

Regarding agenda item 136, "Financing of the United Nations Protection Force", part V of the report of the Fifth Committee is contained in document A/48/819/Add.4. In paragraph 5 of that report the Committee recommends to the General Assembly the adoption of a draft resolution, which was adopted by the Committee without a vote.

On agenda item 138, "Administrative and budgetary aspects of the financing of the United Nations peace-keeping operations", part VI of the report of the Fifth Committee is contained in document A/48/807/Add.5. In paragraph 7 of that report, the Committee recommends to the General Assembly the adoption of a draft resolution entitled "Support account for peace-keeping operations", which was adopted by the Committee without a vote. In paragraph 8 of the report, the Committee recommends to the General Assembly the adoption of a draft decision entitled "Financing of the United Nations peace-keeping operations", which was also adopted by the Committee without a vote.

Still under agenda item 138, part VII of the report of the Fifth Committee, on the question of the relocation of Belarus and Ukraine to the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232, is contained in document A/48/807/Add.6. In paragraph 4 of that report, the Committee recommends to the General Assembly the adoption of a draft decision, which was adopted by the Committee without a vote.

Concerning agenda item 149, "Financing of the United Nations Operation in Mozambique", the report of the Fifth Committee is contained in documents A/48/821 and A/48/821/Add.3. In paragraph 5 of that report, the Committee recommends to the General Assembly the adoption of a draft resolution, which was adopted by the Committee without a vote.

Lastly, regarding agenda item 166, "Financing of the United Nations Observer Mission in Liberia", the report of the Fifth Committee is contained in document A/48/827/Add.2. In paragraph 6 of that report, the Committee recommends to the General Assembly the adoption of a draft resolution, which was adopted by the Committee without a vote.

The President: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Fifth Committee that are before it today.

It was so decided.

The President: Statements will therefore be limited to explanations of vote or position.

The positions of delegations regarding the recommendations of the Fifth Committee have been made clear in the Committee and are reflected in the relevant official records. May I remind members that under paragraph 7 of decision 34/401, the Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I also remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Fifth Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Fifth Committee.

Agenda item 121 *(continued)*

Review of the efficiency of the administrative and financial functioning of the United Nations: reports of the Fifth Committee (Parts III and IV) (A/48/801/Add.2, A/48/801/Add.3)

The President: We will now consider the recommendations of the Fifth Committee contained in part III of its report (A/48/801/Add.2).

We turn first to the draft resolution contained in paragraph 7 of the report. The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 48/218 B).

The President: We turn now to the two draft decisions recommended for adoption by the Committee in paragraph 8 of part III of its report.

Draft decision I was adopted by the Fifth Committee without a vote. May I take it the Assembly wishes to do the same?

Draft decision I was adopted.

The President: Draft decision II was also adopted by the Committee without a vote. May I take it that the Assembly wishes to do likewise?

Draft decision II was adopted.

The President: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 5 of part IV of its report (A/48/801/Add.3). The draft decision, entitled "Action taken on certain documents", was adopted by the Fifth Committee without a vote. May I take it that the General Assembly wishes to do the same?

The draft decision was adopted.

The President: I shall now call on those representatives who wish to make statements in explanation of position.

Mrs. Albright (United States of America): The adoption of the draft resolution in document A/48/801/Add.2 constitutes a historic step forward for the United Nations. The new Office of Internal Oversight Services (IOS) will make this Organization more efficient, more effective and more accountable. That will be good for the United Nations; it will be good for millions around the world who rely upon the United Nations for services; it will be good for those who do business with the United Nations; and it will be good for those - all our taxpayers - who pay the United Nations bills.

We should all understand that in this new era, efficiency at the United Nations has a human face. When we waste dollars through poor planning, misdirected priorities, politicized personnel practices, badly designed programmes or outright fraud, we take resources away from activities that save lives, prevent conflict and sustain hope.

The major lifesaving and peace-keeping agencies of this Organization are desperately short of funds. They are striving heroically to provide medicine, vaccines, food, shelter and safe haven to millions of people in urgent need. The availability of those resources is a matter of life and death, and it is directly related to the efficiency and professionalism of all components of the United Nations.

My Government has worked actively with others to create this new Office of Internal Oversight Services. We have done this because we believe deeply in the purposes for which the United Nations was created and because we believe that effective instruments of international cooperation are essential to the well-being of all citizens in the modern era. We believe there is ample room for improvement in the design, management and implementation of many United Nations programmes, and we believe that the IOS can contribute substantially to improvements in each of these areas.

The resolution approved by the General Assembly today establishes an independent oversight office with the authority and responsibilities my Government has endorsed. It is high-level, at the rank of Under-Secretary-General; it is independent; it will have full authority to carry out inspections and evaluate programmes; it will have access to documents, information and United Nations officials; it will be able to report to members of the General Assembly on key matters, including the adequacy of its own budget, and to request the Secretary-General to establish procedures to protect whistle-blowers and provide for the implementation of recommendations.

The understanding of my Government with respect to specific provisions of the resolution was spelled out during the negotiating process, and I summarized them in my statement before the Fifth Committee on 19 July. It is necessary that the Secretary-General promulgate procedures and regulations in some areas to ensure the implementation of the resolution in a manner consistent with the intent. In addition, the Secretary-General must also select a qualified individual to head the IOS, subject to the approval of the Assembly.

The purpose of this proposal is to make the United Nations better able to serve its constituency, which is us -

all of us. This institution, like other institutions, public and private, must evolve and reform and modernize. Member States and our populations want the United Nations to succeed. They want to see the promises of the United Nations Charter fulfilled. But they also want to know that the dollars they contribute to the United Nations are well spent, for priorities they can endorse, by administrators who uphold high standards.

My Government is pleased by the broad support that this resolution has attracted. Many individuals and States have contributed to its development and success. This resolution has many authors, just as it will have many beneficiaries. This is a historic day for those of us who believe deeply in the potential of the United Nations to address effectively an array of urgent, unmet global needs.

This resolution, implemented vigorously and faithfully, will inspire greater confidence within our own countries about the ability of the United Nations to use scarce resources wisely. It establishes a mechanism with the independence, resources and clout to make a real difference in how this institution operates, and it will help prepare the United Nations, as it enters its fiftieth year, to cope with the daunting challenges yet to come.

Mr. Rodríguez Parella (Cuba) *(interpretation from Spanish)*: The negotiating process for the resolution we have just adopted was flexible, arduous, difficult and, in the view of my delegation, hasty and badly timed. We believe it would have been appropriate and, above all, sensible to defer the consideration of the item for some time in order to facilitate the study of other equally relevant aspects of the question of enhancing the administrative and financial efficiency of the United Nations.

There is no question but that it would have been appropriate before adopting this resolution to know what the Assembly was going to decide on in regard to a system of accountability and responsibility of programme managers. At the same time, good sense would have dictated that we should have available the views of Member States concerning the results of the Working Group set up pursuant to resolution 48/218. However, a negotiating process was initiated without this background information and we have today endorsed its results without a vote. That process is in essence designed to set up an Office of Internal Oversight Services whose head will be a new Under-Secretary-General.

The resolution we have adopted strikes a delicate balance which must necessarily be preserved when the Secretary-General, in his capacity as the chief administrative officer of the Organization, puts its provisions into effect. My delegation hopes that a regrettable situation will not be created in which the Assembly, in studying the Secretary-General's report on the activities of the Office of Internal Oversight Services will have to embark on the drawing up of a body of legislation that will lay the whole nature of this entity open to question when, pursuant to paragraph 13 of this resolution, the Office's functions are evaluated and reviewed.

The text as approved contains a set of important elements that have made it possible for my delegation, along with many others, to accept its adoption without a vote.

Paragraph 5 (a), which establishes that the new Under-Secretary-General will have strictly operational independence, is very important. My delegation interprets this as reaffirming the existing links between all high-level officials and the Secretary-General.

The clear-cut distinction between the field of application of the functions of the new entity and that of the external oversight bodies is also a key element in the text. Although one of the mandates of the new Office will be to monitor compliance with the recommendations of those bodies, it can and should at the same time be the subject of evaluation, oversight and auditing by the Joint Inspection Unit and the Board of Auditors, as may be deemed necessary.

With respect to reporting procedures, one of the most hotly debated items during the negotiating process, my delegation has accepted these procedures for a trial period, and we hope that at the fifty-third session the Secretary-General will submit to the General Assembly an exhaustive analytical report on the new procedure that we are now deciding upon.

In deciding to respect the operational independence of the Under-Secretary-General, the General Assembly has authorized him to submit his budget proposals to it through the Secretary-General. But at the same time it has agreed that the remaining established budgetary procedures will also apply to the Office. My delegation hopes that this decision will be fully implemented.

As far as my delegation is concerned, an analysis of the measures designed to enhance the effectiveness of, and possibly to strengthen, the external oversight machinery is an inseparable part of this exercise, and we therefore hope that its methods of operation and the problem of its composition will be among the items discussed at the forty-ninth session.

I should like, furthermore, to express the hope that the new Under-Secretary-General will be cooperative in interpreting the wishes of Member States, which have determined, pursuant to paragraph 5 (d) of the resolution, that the Office's function is also educational, to forestall problems, to ensure that the way in which it functions - administratively and financially - will enhance the Organization's effectiveness.

Mr. Elzimaity (Egypt) *(interpretation from Arabic):* Now that the General Assembly has adopted the draft resolution contained in paragraph 7 of document A/48/801/Add.2, my delegation would like to record its position, which is based on the following points.

First, the main reason why the Office of Internal Oversight Services (IOS) has been established under the authority of the Secretary-General, as a part of the Secretariat, is so that it can assist the Secretary-General in discharging his executive responsibilities and his functions under Article 97 of the United Nations Charter.

This Office has been established to help the administration play a more effective role. Another objective is to develop and strengthen the system of accountability and responsibility of programme managers, which will start functioning on 1 January 1995.

Secondly, concerning the reports to be prepared and submitted to the Secretary-General by the new Office, we must distinguish between two kinds of reports that would be submitted to the programme managers after the Office has completed the required evaluation and inspection of their programmes. On the one hand, there are the reports designed to inform the programme managers of the deficiencies in the programmes for which they are responsible so that they can remedy them. On the other hand, there are the periodic reports that the Office will transmit to the Secretary-General when necessary, and not less than twice a year, which will describe what has been done in response to recommendations made by the Office to programme managers.

My delegation believes that it is only the latter category of reports that the Secretary-General should transmit to the General Assembly in accordance with paragraph 5 (e) of the resolution we have just adopted. We believe that not all the reports produced by the Office should be transmitted to the General Assembly, in order to avoid inundating the Assembly with documents and taking up its time and effort in considering matters that lie within the internal competence of the Secretariat. We should use this system - indeed, it is the kind used by large corporations and the private sector - since the primary objective is to enhance the executive capability of the Secretary-General and not, for instance, to resolve conflicts of competence with external oversight organs such as the Board of Auditors.

Thirdly, the delegation of Egypt fully supports paragraph 13 of the resolution we have just adopted, dealing with the evaluation and review, at the fifty-third session of the General Assembly, of the performance of the Office and its relation to the Secretariat. At that time we will be able to pass a balanced judgement on the performance of this Office and its impact on the performance of the Secretariat as a whole. We might find that all we have done is to establish an additional bureaucratic layer in the Secretariat; on the other hand, we might find that our decision to establish this Office was, on the basis of its achievements, indeed the right one. We hope the Office's performance will lead to progress in the Secretariat's performance in the years to come so that it will be able to respond appropriately to the great challenges lying ahead of it.

For all those reasons, my delegation was glad to join the consensus on the resolution. We hope this resolution will pave the way for an objective consideration of the real causes of the problems of management, which are to be found essentially in the constant financial crisis of the United Nations.

Mr. Henze (Germany): I have the honour to speak on behalf of the European Union in explanation of position after the adoption of the resolution on agenda item 121, creating an Office of Internal Oversight Services of the United Nations.

First, I should like to express our thanks to our Belgian colleague Peter Maddens, who as coordinator chaired the long informal consultations in the Fifth Committee and succeeded in achieving a consensus on the content of this resolution.

The European Union expressed its support for the creation of this Office in its statement of 29 November 1993 in the Fifth Committee. We agreed with the Secretary-General and other delegations that the creation of the Office for Inspections and Investigations last year was only a first step in the right direction.

The resolution before us reflects our guiding principles, which throughout the negotiations were shared by many other delegations: that the functions of external oversight should be preserved; that internal and external oversight functions and responsibilities should be strictly separated; that respect for the rights of staff should be guaranteed; and, finally, that the reform should not create a new and costly institution disproportionate to its mandates.

Through this resolution we have provided the Secretary-General and the Organization with an oversight mechanism that has the necessary authority and operational independence and will enable the Secretary-General to manage the administration more effectively and, therefore, more in line with the wishes of the Member States.

The appointment procedures for the Under-Secretary-General for Internal Oversight Services as head of this Office, its operational independence, its functions and its procedures for reporting to the Secretary-General and the General Assembly constitute a sound basis and a comprehensive legislative mandate for oversight within the United Nations.

The question of adequate resources for internal oversight will have to be addressed. For example, with only one resident auditor in a peace-keeping operation of the scale of the United Nations Protection Force (UNPROFOR), not much can be done. The new structure must be developed and given the necessary resources to become an effective instrument to support the Secretary-General in his task of making effective use of the limited resources of the Organization and in facing new challenges.

We should not believe that with this resolution all problems concerning effective management and use of resources will be solved. It will not cure all the Organization's ills. Other measures will have to follow. The skills and motivation of the staff members will have to be further developed and adapted to new requirements. In this respect, we expect the Office to play a major role in improving the competence, working environment and management systems of the Organization.

Indeed, at this juncture we must reiterate firmly that if the Organization is to function efficiently and to fulfil the mandates given it by Member States, all Member States have the primary duty to pay all their contributions. Even with the establishment of an Office of Internal Oversight Services, this Organization will not be able to meet the expectations the international community has of it if at the same time more than $3 billion is still owed by Member States.

We are looking forward with interest to the report of the Secretary-General on a system of accountability and responsibility of programme managers. Questions of management initiatives and personnel policy will have to be broadly addressed at the forty-ninth session of General Assembly.

With this resolution and the further development of the new Office, Member States will receive more information on how their contributions are being managed, and the increase in accountability and transparency thus achieved should encourage Member States to make their full financial contributions to the United Nations.

The President: We have thus concluded this stage of our consideration of agenda item 121.

Agenda item 123 *(continued)*

Programme budget for the biennium 1994-1995: report of the Fifth Committee (Part V) (A/48/811/Add.4)

The President: We shall now take decisions on the two draft resolutions recommended by the Fifth Committee in paragraph 15 of part V of its report (A/48/811/Add.4) and on the two draft decisions recommended by the Fifth Committee in paragraph 16 of the same document.

We turn first to the two draft resolutions.

Draft resolution I is entitled "Reclassification of posts". The Fifth Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 48/228 C).

The President: Draft resolution II is entitled "Continuing United Nations human rights presence in Cambodia". It was adopted by the Fifth Committee without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 48/228 D).

The President: We turn now to the two draft decisions.

Draft decision I is entitled "Staffing and functions of the Office of the United Nations High Commissioner for Human Rights and of the Centre for Human Rights". The Fifth Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do the same?

Draft decision I was adopted.

The President: Draft decision II is entitled "United Nations Special Coordinator in the Occupied Territories". It was adopted by the Fifth Committee without a vote. May I take it that the Assembly wishes to do likewise?

Draft decision II was adopted.

The President: We have thus concluded this stage of our consideration of agenda item 123.

Agenda item 136 *(continued)*

Financing of the United Nations Protection Force: report of the Fifth Committee (Part V) (A/48/819/Add.4)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 5 of part V of its report. The draft resolution was adopted by the Fifth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/238 B).

The President: We have thus concluded this stage of our consideration of agenda item 136.

Agenda item 138 *(continued)*

Administrative and budgetary aspects of the financing of the United Nations peace-keeping operations

(a) Financing of the United Nations peace-keeping operations: Report of the Fifth Committee (Part VI) (A/48/807/Add.5)

(b) Relocation of Belarus and Ukraine to the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232: Report of the Fifth Committee (Part VII) (A/48/807/Add.6)

The President: We shall first consider part VI of the report of the Fifth Committee, on sub-item (a) of agenda item 138, entitled "Financing of the United Nations peace-keeping operations".

The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 7 of part VI of its report (A/48/807/Add.5) and on the draft decision recommended by the Fifth Committee in paragraph 8 of the same document.

We turn first to the draft resolution, entitled "Support account for peace-keeping operations". It was adopted by the Fifth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/226 C).

The President: We turn next to the draft decision, entitled "Financing of the United Nations peace-keeping operations". It was adopted by the Fifth Committee without a vote. May I take it that the Assembly wishes to do the same?

The draft decision was adopted.

The President: The Assembly will now consider part VII of the report of the Fifth Committee, on sub-item (b) of agenda item 138, entitled "Relocation of Belarus and Ukraine to the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232".

The Assembly will take a decision on the draft decision recommended by the Fifth Committee in paragraph 4 of part VII of its report (A/48/807/Add.6). The draft decision was adopted by the Fifth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft decision was adopted.

The President: We have thus concluded this stage of our consideration of agenda item 138.

Agenda item 149 *(continued)*

Financing of the United Nations Operation in Mozambique: Report of the Fifth Committee (Part IV) (A/48/821/Add.3)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 5 of part IV of its report (A/48/821/Add.3). The draft resolution was adopted by the Fifth Committee without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/240 B).

The President: We have thus concluded this stage of our consideration of agenda item 149.

Agenda item 166 *(continued)*

Financing of the United Nations Observer Mission in Liberia: Report of the Fifth Committee (Part III) (A/48/827/Add.2)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of part III of its report (A/48/827/Add.2). The draft resolution was adopted by the Fifth Committee without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/274 B).

The President: We have thus concluded this stage of our consideration of agenda item 166.

The meeting rose at 11.35 a.m.

United Nations

A/48/PV.103

General Assembly

Forty-eighth Session

Official Records

103rd Meeting

Wednesday, 24 August 1994, 10 a.m.
New York

President: Mr. Insanally .... (Guyana)

In the absence of the President, Mr. Rahman (Bangladesh), Vice-President, took the Chair.

The meeting was called to order at 10.25 a.m.

Earthquake in Algeria

The President: May I, on behalf of all the members of the General Assembly, extend our deepest sympathy to the Government and the people of Algeria on the tragic loss of life and extensive material damage resulting from the earthquake that struck Algeria on 17 August 1994.

May I also express the hope that the international community will show its solidarity, and respond promptly and generously to any request for help.

I call on the representative of Algeria.

Mr. Lamamra (Algeria) *(interpretation from Arabic)*: I thank you, Mr. President, for the kind words you addressed, on behalf of the General Assembly and on your own behalf, to the Government and the people of Algeria with respect to the earthquake that struck my country, resulting in the death of 171 people and in injury or homelessness for thousands more. I express the gratitude of the Government and the people of Algeria for the solidarity manifested by many countries and by the United Nations and its specialized agencies.

The Government of Algeria mobilized fully to face the catastrophe. We have been unwavering in our efforts. The earthquake site is in fact where Emir Abd Al-Kadir fought for the liberation of our country. We shall spare no effort to rebuild the area.

We shall not forget those who have shown solidarity with us. I reiterate my thanks to you personally, Mr. President, and to the General Assembly for the solidarity expressed today. I shall not fail to convey this sympathy and solidarity to my Government and to the victims and their families.

Agenda item 127 *(continued)*

Scale of assessments for the apportionment of the expenses of the United Nations (Article 19 of the Charter) (A/48/853/Rev.1/Add.3 and Add.4)

The President: Members will recall that at its 102nd plenary meeting, held on 29 July 1994, the General Assembly had before it the provisional version - in blue - of document A/48/853/Rev.1/Add.3 indicating that Haiti had made the payment necessary to reduce its arrears below the amount specified in Article 19 of the Charter. At that meeting the Assembly took note of that information, and of the fact that, owing to an oversight, the Assembly had not been notified earlier of this payment, which was made last June, and that, had Haiti been allowed to vote at the 101st plenary meeting, held on 28 July 1994, it would have voted in favour of draft resolution A/48/L.60, entitled "Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982".

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum. When the result of a recorded and/or roll-call vote is followed by an asterisk, see annex to the record.

Members will have noted that the final version of document A/48/853/Rev.1/Add.3 indicates also that Angola and the Solomon Islands have made the payments necessary to reduce their arrears below the amount specified in Article 19 of the Charter.

Regrettably in the case of Solomon Islands, owing to an oversight, the Assembly was not informed earlier that Solomon Islands had made, last March, the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter.

As concerns Angola, since the issuance of the provisional version of document A/48/853/Rev.1/Add.3, Angola has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of the fact that Angola and Solomon Islands have made the necessary payments to reduce their arrears below the amount specified in Article 19 of the Charter?

It was so decided.

The President: In a related matter, I should also like to inform the Assembly that, in connection with the vote held on 28 July 1994 on draft resolution A/48/L.60 on the law of the sea, the Permanent Representative of Solomon Islands has indicated to the President by a letter dated 1 August 1994 that, had Solomon Islands been allowed to vote, it would have voted in favour of draft resolution A/48/L.60.

May I take it that the General Assembly also takes note of this information?

It was so decided.

The President: This information pertaining to Solomon Islands, as well as the information concerning the same matter communicated by the delegation of Haiti, will be reflected in the official record of the 101st plenary meeting.

I now draw the attention of members to document A/48/853/Rev.1/Add.4.

In a letter contained in that document, the Secretary-General informs me that, since the issuance of his communications dated 9 March, 5 April, 26 May and 29 July 1994, Mauritania has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

Agenda item 7 *(continued)*

Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations: Note by the Secretary-General (A/48/411/Add.3)

The President: As members are aware, in accordance with the provisions of Article 12, paragraph 2, of the Charter of the United Nations, and with the consent of the Security Council, the Secretary-General is mandated to notify the General Assembly of matters relative to the maintenance of international peace and security that are being dealt with by the Security Council and of matters with which the Council has ceased to deal.

Members will recall that the Assembly took note of the notes by the Secretary-General on agenda item 7 contained in documents A/48/4ll and Add.1 and 2 at its 57th and 86th plenary meetings on 17 November and 21 December 1993.

In this connection, the General Assembly has before it a note by the Secretary-General issued as document A/48/411/Add.3.

May I take it that the Assembly takes note of that document?

It was so decided.

Agenda item 8 *(continued)*

Adoption of the agenda and organization of work: Request for the reopening of the consideration of agenda item 40 (The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom democracy and development)

Letters from the Secretary-General to the President of the General Assembly and to the President of the Security Council (A/48/928, A/48/954)

Report of the Secretary-General (A/48/985)

The President: I now draw the attention of the General Assembly to two letters from the Secretary-General addressed to both the President of the General Assembly and the President of the Security Council (A/48/928, A/48/954), and to the report of the Secretary-General on the establishment of a human rights verification mission in Guatemala (A/48/985).

In order for the General Assembly to consider this matter in the near future, it will be necessary to reopen consideration of agenda item 40, entitled "The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development".

May I take it that the General Assembly wishes to reopen consideration of agenda item 40?

It was so decided.

The President: The Assembly will consider agenda item 40 at a future date to be announced in the Journal.

Agenda item 121 (*continued*)

Review of the efficiency of the administrative and financial functioning of the United Nations: Approval of the appointment of the Under-Secretary-General for Internal Oversight Services

Note by the Secretary-General (A/48/983)

The President: Members will recall that the Assembly, in its resolution 48/218 B of 29 July 1994,

> "Decide[d] to establish an Office of Internal Oversight Services, under the authority of the Secretary-General, the head of which [would] be at the rank of Under-Secretary-General" *(para. 4)*.

By that resolution, the Assembly further decided that the Under-Secretary-General for Internal Oversight Services:

(a) Should be an expert in the fields of accounting, auditing, financial analysis and investigations, management, law or public administration;

(b) Should be appointed by the Secretary-General, following consultations with Member States and approved by the General Assembly. For that purpose, the Secretary-General should appoint the Under-Secretary-General for Internal Oversight Services with due regard for geographic rotation and in so doing should be guided by the provisions of paragraph 3 *(e)* of General Assembly resolution 46/232 of 2 March 1992 whereby the Assembly decided, in particular, that, as a general rule, no national of a Member State should succeed a national of that State in a senior post and there should be no monopoly on senior posts by nationals of any State or group of States;

(c) Should serve for one fixed term of five years without possibility of renewal;

(d) Might be removed by the Secretary-General only for cause and with the approval of the General Assembly.

In the light of the provisions of resolution 48/218 B, the Secretary-General proposes to appoint Mr. Karl Theodor Paschke as Under-Secretary-General for Internal Oversight Services for one fixed term of five years, effective 1 October 1994.

May I take it that it is the wish of the General Assembly to approve this appointment?

It was so decided.

The President: We have thus concluded this stage of our consideration of agenda item 121.

Agenda item 180

Observer status for the Sovereign Military Order of Malta in the General Assembly: draft resolution (A/48/L.62)

The President: I call on the representative of Italy to introduce draft resolution A/48/L.62.

Mr. Fulci (Italy): Italy is pleased and honoured to be among the sponsors of the draft resolution contained in document A/48/L.62, entitled "Observer status for the Sovereign Military Order of Malta in the General Assembly".

The Order of Malta has been in existence for almost 1,000 years. For the past two centuries its headquarters have been in Rome.

The 64 sponsors listed in the document were later joined by Bhutan, Chad, Djibouti, Jamaica, Guinea-Bissau and Mali. As a result, the number of sponsors of the draft resolution now totals 70 countries belonging to all regional groups.

The text includes two preambular and two operative paragraphs. In the preambular paragraphs the draft resolution recalls the Order of Malta's long-standing dedication to providing humanitarian assistance and its special role in international humanitarian relations. It also emphasizes its intent to enhance cooperation between the United Nations and the Order of Malta. Operative paragraph 1 contains the decision to invite the Order of Malta to participate in the sessions and the work of the General Assembly in the capacity of observer. Operative paragraph 2 requests the Secretary-General to take the necessary action to implement the present resolution. The text, as members have noted, is taken largely from the 1990 resolution granting observer status to the International Committee of the Red Cross.

How can one define the Order of Malta? It is certainly not a non-governmental organization; nor is it a State, since it has no territory and no population of its own: it is what the Romans used to call a *sui generis institutio*, in the unique situation of having lost its territorial power two centuries ago but enjoying international recognition. In fact, 64 States Members of the United Nations have full diplomatic relations with the Order - a privilege, may I say, that is not shared by any other institution of this kind.

The Sovereign Military Order of Malta is by far the most ancient institution in the world whose mission it is to provide humanitarian assistance. It was founded in the year 1070 under the name *Hospitaliers de St. Jean-de-Jérusalem*. Since then it has dedicated its activities to the needy, the sick and those wounded in war and in peace. This goal is its very essence, its *raison d'être*. The goal is achieved through the hospitals and health facilities that the Order has established, and continues to establish, throughout the world and through the individual services it provides in homes, shelters and the humble dwellings of the poor.

Today the Order of Malta carries on its humanitarian activities in over 100 countries, with special attention to disadvantaged groups, such as lepers, the elderly and abandoned children. It also makes an outstanding contribution to assisting refugees and victims of civil wars. To give just one example, the Order of Malta was one of the very first institutions to provide assistance to those suffering from recent events in the former Yugoslavia, where it supplied food, medical aid and transportation.

This is why we think that the extraordinary, multifarious and world-wide contribution which the Order of Malta makes to international humanitarian relations - and which it has made for almost 1,000 years - fully justifies granting it observer status in the General Assembly. Such a decision would provide the Order of Malta with an important incentive to redouble its already considerable efforts, expanding them into areas in which the United Nations has been increasing its actions to alleviate human suffering.

The draft resolution on which the General Assembly is about to take action is meant not only to recognize the role of the Order of Malta in international humanitarian relations, and not only to commend the dedication of the thousands and thousands of people all around the world involved in its volunteer services for the sick and the needy: it is also, and above all, meant to facilitate and enhance the Order's humanitarian activities in a concrete way by improving its links with the United Nations and ensuring better coordination in this vital area for mankind.

The President: I should like to propose that, if there is no objection, the list of speakers for the debate on this agenda item now be closed.

It was so decided.

Mr. Sy (Senegal) *(interpretation from French):* Ambassador Paolo Fulci, the Permanent Representative of Italy, has just introduced the draft resolution contained in document A/48/L.62 of 22 August 1994, which proposes that the General Assembly grant observer status to the Sovereign Military Order of Malta. The Senegalese delegation's cosponsorship of this draft resolution indicates our full support for this welcome initiative, and I therefore do not need to add anything.

However, while confirming this full support for the draft resolution, I take this opportunity to say how important and meaningful the decision we are about to take will be. It will be important because it is part of the very *raison d'être* of our Organization, the paramount objective of which is to create better conditions for lasting international peace and security. Establishing such conditions of peace and security will enable the peoples of the world to encourage dialogue over confrontation and solidarity over the self-interest of States. It will, in short, help all peoples of the world to aspire to a better life and to coexist peacefully. The decision will be meaningful because it will be a recognition of the unquestionable merits of an institution whose mission and goals have for over 900 years been to ease the suffering and pain of humanity and to contribute to its well-being. In all the continents, the Sovereign Military Order of Malta has admirably fulfilled this role, to the extent that almost one third of States Members of the United Nations recognizes it as a veritable member of the international community.

For its part, Senegal is definitely one of those States, since it has had close and fruitful diplomatic relations with the Sovereign Military Order of Malta for nearly 30 years. These relations have given rise to excellent cooperation and have allowed the Sovereign Military Order of Malta to work in Senegal on many humanitarian projects, among which is the fight against the terrible disease of leprosy. Thanks to the Order's financial, logistical and scientific support, the Dakar Institute of Applied Leprology has made serious inroads against this dangerous disease.

If, in accordance with the theme of its fiftieth anniversary, the goal of the United Nations has always been and remains to create a better world for all peoples, it can be said that the Sovereign Military Order of Malta has a place reserved for it in this Assembly. That place - which, moreover, it should have taken up long ago - is more than ever deserved today, especially since, with the draft agenda for development and the scheduling of such important conferences as that on social development, current trends favour work on solving economic and social problems.

Accordingly, the international community has everything to gain by exploiting the experience in this field of the Sovereign Military Order of Malta, a symbol of peace, friendship and solidarity among all peoples.

Mr. Cassar (Malta): My Government is pleased to add its support for the proposal for observer status in the General Assembly to be granted to the Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes and of Malta, more commonly known as the Sovereign Military Order of Malta, in view of its past historical ties with Malta and its people.

As the Permanent Representative of Italy remarked in presenting this proposal, the Order already enjoys observer status at several other organizations linked to the United Nations, such as the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the Food and Agriculture Organization of the United Nations. In addition, the Order has diplomatic relations with many countries, including my own, and has delegations to the International Committee of the Red Cross, the Commission of the European Union, the Council of Europe, and United Nations Offices in Geneva and Vienna, among others. This acknowledgement of the Order's humanitarian role has greatly enhanced its ability to provide assistance through the exchange of information and the facilitation of cooperative efforts.

Since its inception in the eleventh century, the Order has been well known for its dedication to the alleviation of human suffering. The Order benefits today from a structure which allows it to delegate a large part of the control of its operations to its priories, sub-priories and national Knights Associations worldwide, thus allowing it to respond promptly and appropriately to crises and needs as they arise. Their activities range from the operation of established medical facilities to the provision of emergency aid on an ad hoc basis to the victims of war and other disasters.

It is important to note in this context that the Hospitaller Order interprets its vocation in the widest sense and does not limit its efforts to caring for the sick but seeks to alleviate the suffering of those living in or forced into the margins of society - the poor, the persecuted and the displaced - and by doing so sets a bold example of the safeguarding of human rights and the dignity of all persons, regardless of race, colour or creed.

As grave humanitarian situations punctuate nearly every corner of our international community, the United Nations aid programmes and other humanitarian organizations are finding the task of deciding where and how best to administer aid increasingly overwhelming. As a result, a more cooperative and efficiently coordinated international effort could only benefit further those who desperately need assistance.

For those reasons, my Government believes that the granting of observer status in the General Assembly to the Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes and of Malta would further enhance the Order's humanitarian activities and allow for closer cooperation not only between the Order and the United Nations but also with those within the United

Nations whose aim it is to alleviate what is clearly an ever-increasing cycle of human suffering.

Mr. Barac (Romania): I am not a member of the Sovereign Military Order of Malta, but it is a privilege and a great honour for me to speak under agenda item 180, entitled "Observer status for the Sovereign Military Order of Malta in the General Assembly".

It is already well known, but I would like to stress once again in this Hall, that the Sovereign Military Order of Malta is the oldest institution in the world whose mission is to provide humanitarian assistance. Since its foundation in the eleventh century, the Order has been steadfast in its dedication to alleviating human suffering in war and in peace, and over the centuries this vocation has earned it universal respect for its humanitarian activities in the world.

The Order's primary objective - to alleviate suffering and bring the comfort of charity to the afflicted - is embodied in its commitment to providing assistance. The Order achieves this goal wherever it can, through health facilities and through individual services in homes, shelters and the poor dwellings of the disinherited. Its commitment is not to the sick alone, but also to the marginalized, the persecuted and the displaced, thereby safeguarding human rights and dignity.

Today the Order provides assistance at a level that far exceeds anything it has traditionally been able to offer. The octagonal cross has become the emblem of hospitals - some with a high degree of specialization - as well as of hundreds of clinics, first-aid stations and dispensaries with a broad network of structures and with specialized assistance for the needy. Among the groups to which the Order dedicates special attention are the handicapped, diabetics, pregnant women, abandoned children and the elderly. It also arranges for the collection and distribution of medicine, especially during epidemics and after natural disasters.

The Sovereign Military Order of Malta has diplomatic relations with 64 States Members of the United Nations, making it an equal member of the international community. I would like to mention that diplomatic relations between Romania and the Sovereign Military Order of Malta were established more than 60 years ago, on 28 January 1933. I would also like to emphasize that, through its associations in various European countries, the Order provided emergency humanitarian assistance to Romania in the aftermath of the 1977 earthquake and again after the revolution of December 1989.

For those reasons, Romania cosponsored the request for the inclusion in the agenda of the forty-eighth session of the General Assembly of an additional item concerning observer status for the Sovereign Military Order of Malta in the General Assembly, and it is also among the sponsors of the draft resolution before us.

Finally, I would like to express my deep conviction that the granting of such a status to the Sovereign Military Order of Malta would definitely enhance cooperation between the United Nations and the Order of Malta, as well as facilitating the Order's humanitarian activities.

Mr. Catarino (Portugal): We have before us a draft resolution concerning the granting of observer status in the General Assembly to the Sovereign Military Order of Malta. My delegation counts itself among those that have cosponsored that draft. We did so bearing in mind the historical ties between our country and the Order of Malta and our long-standing diplomatic relationship.

Our position also reflects our appreciation for the outstanding and lasting work that has been carried out by the Order of Malta in the service of international solidarity and humanitarian action: namely, the improvement of health conditions in developing countries. We believe that the Order of Malta can make an important contribution to the fulfilment of the goals of the United Nations in the humanitarian sphere, and we share the conviction that the status of observer in the General Assembly will permit the Order to perform its duties better, by enhancing its cooperation with the United Nations system.

My delegation would therefore like to join the previous speakers in supporting draft resolution A/48/L.62 and to express the hope that it will be adopted unanimously without a vote.

Mr. Yoo (Republic of Korea): At the outset, let me join you, Mr. President, in expressing sincere condolences on behalf of the delegation of the Republic of Korea on the human and material suffering sustained by the people of Algeria in the recent earthquake. My delegation extends sincere solidarity and best wishes for a speedy recovery from this tragic natural catastrophe.

The Government of the Republic of Korea is pleased to join the other sponsors of the draft resolution proposing permanent observer status for the Sovereign Military Order of Malta in the proceedings of the General Assembly.

Since the eleventh century, when it established the first hospital service in human history, the Sovereign Military Order of Malta has been consistently dedicated to providing humanitarian assistance to the victims of war, natural catastrophe and other calamities. Today, with its broad network of structures all over the world, the Order provides commendable assistance and valuable emergency services to the needy, the abandoned and the afflicted, thus safeguarding the dignity of man.

At the threshold of the third millennium, despite the advent of the post-cold war era, the world still suffers from nationalistic, ethnic, religious and political conflicts, as well as from natural disasters. In view of these deteriorating world humanitarian situations, it is all the more necessary to enhance cooperation between the United Nations and international humanitarian-assistance institutions. The Sovereign Military Order of Malta, an outstanding, exemplary humanitarian assistance institution of international reputation, well deserves privileged relations with the United Nations. The delegation of the Republic of Korea is happy to note that the Sovereign Military Order of Malta has already been accorded observer status with the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations, the World Health Organization, the International Migration Organization, and the Office of the United Nations High Commissioner for Refugees.

More than ever before, it is imperative for all of us to encourage the Sovereign Military Order of Malta, a neutral and impartial humanitarian-assistance institution, to assist and protect the victims of various calamities while avoiding any politicization of its work. I am convinced that, in granting permanent observer status to the Order and thus consolidating its cooperation with the United Nations, we can encourage the Sovereign Military Order of Malta to perform better and to facilitate the accomplishment of the duties to which it has been devoted.

Mr. Whannou (Benin) *(interpretation from French):* It was a source of great satisfaction for the delegation of Benin to have been among the first delegations to request the General Committee to include in the agenda of the forty-eighth session of the General Assembly an item entitled "Observer status for the Sovereign Military Order of Malta in the General Assembly". My delegation made this request particularly because of the close, long-standing bonds between my Government and the Order of Malta, and because of the Order's important, laudable humanitarian activities in Benin.

I should recall that it was the representative of Benin, Ambassador Mongbe, who introduced this subject at the meeting of the General Committee. He strongly supported inclusion of the item in the agenda, emphasizing that the Order - which was founded in the eleventh century - richly deserves observer status not only because of its very long history as an institution with a unique legal status, enjoying full diplomatic relations with more than 60 States, but also because of the humanitarian activities it carries out in more than 100 countries.

Today, I reiterate Benin's full support for draft resolution A/48/L.62. Its adoption would foster the cooperation that exists between the United Nations and the Order of Malta, and would promote the development of the humanitarian activities - which are among the priority goals of the United Nations - that the Order carries out, often in cooperation with the specialized agencies and other organizations of the United Nations system, with a view to making the world a safer and more peaceful place for all its people.

Mr. Castellanos Carrillo (Guatemala) *(interpretation from Spanish):* I wish on behalf of my delegation to speak briefly of the worldwide activities of the Sovereign Military Order of Malta.

As everyone knows, the Order engages in a great number of international humanitarian activities throughout the world. Since its foundation, it has become one of the largest, most active institutions in the world. Its work with the sick and the disabled on five continents is invaluable and, in many countries, irreplaceable: it is not content with working only in the developed world, where, to be sure, it does a fine job; its work goes on in many developing countries as well.

In Latin America, the work of the Sovereign Military Order of Malta has been repeatedly acknowledged by virtually every country. The experience of my own country enables me to state that the Order provides support and cooperation in areas of common benefit, including donations in cash, food and medicine; for Guatemala this is invaluable and irreplaceable assistance. I take this opportunity before the General Assembly to pay tribute to the Order for all it has done.

The Sovereign Military Order of Malta is the oldest humanitarian-assistance institution in the world. Ever since its foundation in Jerusalem almost nine centuries ago, the Order has been steadfast in its dedication to alleviating human suffering in war and in peace. Over the centuries this vocation has earned it universal respect for its humanitarian activities in the world and recognition by 64 States Members of the United Nations.

Today the Order provides assistance at a level that far exceeds anything it was traditionally able to offer. The octagonal cross has become the emblem of hospitals, some with a high degree of specialization, but also of hundreds of clinics, first-aid stations and dispensaries, with special attention being given to the handicapped, lepers, diabetics, pregnant women and abandoned children. It also arranges for the collection and distribution of medicine, especially in cases of epidemics and natural disasters.

The Order was one of the first to call attention to the humanitarian plight of the victims of civil war in the former Yugoslavia, and to provide assistance to them. This has taken the form of food, medical and pharmaceutical aid and transportation for the sick, the wounded, the persecuted and the displaced.

From what I have said, it is clear that the Order has long participated in the work of the United Nations family. The General Assembly should acknowledge this by granting observer status to the Order. This would unquestionably strengthen cooperation between the Sovereign Military Order of Malta and the United Nations and would, first and foremost, facilitate and help expand the humanitarian activities carried out by the Order.

Mr. Chaves *(Kyrgyz Republic)*: The Kyrgyz Republic expresses very sincere solidarity with and condolences to the people of Algeria in this moment of trial.

It is a great honour for me, on behalf of the Kyrgyz Republic, to offer support for the draft resolution on the granting of permanent observer status to the Sovereign Military Order of Malta in the General Assembly.

The United Nations is the home of the global community, and the Sovereign Military Order of Malta has since its very foundation been at the service of all mankind, without distinction as to colour, race or creed. It was established under the label of an order of knighthood by a hospitaller order, that it, an order that renders help to the wounded, the sick and the victims of war.

The United Nations, an institution created for the maintenance of peace and for the elimination of war, must recognize this institution - the first in the world that began continuously to help the victims of war who, we all know, are primarily those in society least able to protect themselves: women, children and the defenceless.

In keeping with international law and its development, the Sovereign Military Order of Malta represents a *de jure* institution unique in character and, as it has been said here this morning, it is recognized by many countries of the world. But the United Nations has a particular interest in recognizing an institution which enhances the role of international law in helping mankind to cope with disasters, catastrophes and war.

The particular interest of the Order of Malta in the programme to control leprosy deserves special mention here. This contagious disease has afflicted mankind since time immemorial and it remains incurable. It exists in all countries of the world; even in the most advanced countries there are cases of leprosy. The Order of Malta has made tremendous efforts towards the eradication of this disease which, although still incurable, is now controllable thanks to modern medicine.

For all those reasons, the Kyrgyz Republic fully supports the draft resolution and the initiative that it be adopted unanimously this morning.

The President: We shall now take a decision on draft resolution A/48/L.62.

I should like to announce that Papua New Guinea has become a sponsor of this draft resolution.

May I take it that the Assembly decides to adopt draft resolution A/48/L.62?

Draft resolution A/48/L.62 was adopted (resolution 48/265).

The President: Before calling on the first speaker in explanation of position, may I remind delegations that such explanations are limited to 10 minutes and should be made by delegations from their seats.

Mr. Bierenbaum (United States of America): The United States Government has great respect for the important contribution to humanitarian matters made by the Sovereign Military Order of Malta. We appreciate as well the contribution made by this organization to the work of international organizations, including the Economic and Social Council.

However, my Government must disassociate itself from the consensus reached on granting it observer status at the General Assembly. Observer status at the General Assembly is properly limited to non-member States and intergovernmental organizations. The International Committee of the Red Cross (ICRC) is an exception and a unique case. The ICRC is expressly granted status and responsibilities by international conventions which are widely ratified. The Sovereign Military Order of Malta does not have similar status and thus, in our view, should be treated as the worthy non-governmental organization that it is.

We are seriously concerned that the status accorded non-governmental organizations and the status accorded observers to the General Assembly will be diluted by this action. There are many organizations having "a special role in international humanitarian relations". If we use this as our criteria, numerous non-governmental organizations and other organizations will seek observer status. The General Assembly will not be able to draw lines. The impact on the Organization could be quite severe.

In light of the action taken, we recommend the establishment of a working group to study the criteria that should be used by the General Assembly in determining which organizations should be given observer status in future. We will be making a formal proposal to this end in due course. Once such a working group has completed its work and the criteria are agreed to by the General Assembly, we will then be in a much better position to analyse any future request for observer status and make consistent and careful decisions on these questions.

We hope that no further request will be brought before the General Assembly until the working group has produced its analysis and the criteria are agreed upon.

Ms. Wilmshurst (United Kingdom): My delegation would not have voted for this resolution had it been put to the vote. This is not because of any doubts we have about the nature of the Sovereign Military Order of Malta itself, but the question of granting observer status to the Sovereign Order should not be considered on its own. It should be put in the context of observer participation generally in the work of the Assembly.

The granting to organizations of observer status in the Assembly is not, of course, governed by express provisions of the Charter. The Assembly has created its own practice. The observer status of United Nations specialized agencies is regulated by agreements with the United Nations but other intergovernmental organizations are left to be dealt with by individual, ad hoc resolutions of the Assembly. Until very recently, and leaving aside national liberation movements, these ad hoc resolutions by the Assembly covered only intergovernmental organizations. Non-governmental organizations have their own special arrangements. In particular, and in accordance with Article 71 of the Charter, there are arrangements for non-governmental organizations to be in relationship with the Economic and Social Council.

However, in 1990 the Assembly made an exception to its practice and granted observer status to the International Committee of the Red Cross (ICRC). The debate on the resolution granting observer status to the ICRC was very short, but it was clear that the ICRC was regarded as an exceptional case. As my delegation mentioned in the General Committee when this item was up for consideration as to whether it should be put on the agenda, the Permanent Representative of Italy said in the debate on the ICRC,

"In the view of the sponsors" - and there were 138 of them - "this proposal should not be considered, indeed could not be considered, in any way as a precedent for any possible request to grant the same status to non-governmental organizations.

> The special - I would even say unique - role conferred upon the ICRC by the international community and the mandates given to it by the Geneva Convention make of it an institution unique of its kind and exclusively alone in its status." *(A/45/PV.31, pp. 76-77)*

The Assembly has now adopted a resolution for another organization of non-governmental nature to have observer status in the Assembly. The arguments in favour of the proposal are not, in the view of my delegation, of the same cogency as for the ICRC. We have, however, been faced with the fact that many countries here represented have special relations with the Sovereign Order, and this has given the Order, in their view, a special claim. My delegation has gone along with the decision today because it is aware of the very strong support that exists for the granting of observer status to the Sovereign Order of Malta, but we do not consider that the decision which we have just taken should represent a precedent for the consideration of any other organization - and let us be in no doubt that there will be more.

We strongly support the continuation of the existing practice with regard to non-governmental organizations and their access to the Economic and Social Council. But if the Assembly were to propose to change its practice in relation to non-governmental organizations, in whatever field, we believe that the whole matter should be considered more carefully, and the Assembly should decide, before there is a whole host of new applications for observer status, what that new practice should be.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 180?

It was so decided.

The meeting rose at 11.30 a.m.

United Nations

A/48/PV.104

General Assembly
Forty-eighth Session

Official Records

104th Meeting
Wednesday, 14 September 1994, 10.00 a.m.
New York

President: Mr. Insanally . . . . (Guyana)

The meeting was called to order at 10.35 a.m.

Agenda item 8 ***(continued)***

Adoption of the agenda and organization of work

Thirteenth report of the General Committee (A/48/250/Add.12)

The President: The thirteenth report of the General Committee concerns a request by the Republic of Moldova for the inclusion in the agenda of the current session of an item entitled "Emergency assistance to the Republic of Moldova".

The General Committee decided to recommend to the General Assembly that the item should be included in the agenda. May I take it that the Assembly decides to include this additional item in its agenda?

It was so decided.

The President: The General Committee further decided to recommend to the Assembly that the item should be considered directly in plenary meeting. May I take it that the Assembly adopts this recommendation?

It was so decided.

The President: May I also take it that, as requested by the sponsor, the item will be given priority for consideration by the Assembly this morning because of its urgent character?

It was so decided.

The President: I should like to inform members that the item on emergency assistance to the Republic of Moldova, which will be considered as the last item at this meeting, becomes item 181 of the agenda of the forty-eighth session of the General Assembly and that the documents reflecting its inclusion and allocation will be issued tomorrow.

I should also like to inform members that a draft resolution on emergency assistance to the Republic of Moldova will be available shortly in the General Assembly Hall as document A/48/L.64.

Agenda item 33 ***(continued)***

Question of equitable representation on and increase in the membership of the Security Council

(a) Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council (A/48/47)

(b) Draft decision (A/48/47, para. 9)

The President: I am pleased to inform members that the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council, established pursuant to resolution 48/26, successfully adopted by consensus on

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum. When the result of a recorded and/or roll-call vote is followed by an asterisk, see annex to the record.

2 September its report on the progress of its work. That report has since been circulated in document A/48/47.

In this connection, I would draw attention to the draft decision adopted by the Group, as contained in paragraph 9 of the report. The draft decision recommends that the Open-ended Working Group should continue its work and report to the General Assembly before the end of the forty-ninth session.

If I might here offer a personal evaluation of the process leading to the adoption of the report, I would say that the discussion thus far has proved to be both ample and constructive. Delegations cooperated fully to ensure that the mandate of resolution 48/26 was fully discharged, and this augurs well, I believe, for the future of our work.

As was agreed in the Group, the report is short and factual. While I appreciate and share the sentiments expressed by a number of delegations that the report could have been more substantive or substantial, it is unlikely that anything more elaborate could have been achieved at this stage of our deliberations. I believe, nevertheless, that enough ground has been covered on which eventual consensus can be built.

I wish here to sincerely thank my two Vice-Chairmen, Ambassador Breitenstein of Finland and Ambassador Chew of Singapore, and their staff, for the able manner in which they assisted me in the conduct of the deliberations of the Working Group during the past year. I should also like to thank the Secretariat, and more particularly the Secretary of the Working Group, Mr. Kanninen, for ensuring that the Group was well-serviced at all times.

The Assembly will now take a decision on the draft decision contained in paragraph 9 of the report (A/48/47) of the Open-ended Working Group. As members will note, this is a purely procedural matter and therefore should not invite discussion. May I take it that the Assembly decides to adopt the draft decision?

The draft decision was adopted.

The President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 33?

It was so decided.

Agenda item 156 *(continued)*

Rationalization of the work and reform of the agenda of the First Committee: report of the First Committee (Part II) (A/48/688/Add.1)

The President: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the Assembly decides not to discuss the report of the First Committee which is before the Assembly today.

It was so decided.

The President: Statements will therefore be limited to explanations of vote or position.

The positions of delegations regarding the recommendations of the First Committee have been made clear in the Committee and are reflected in the relevant official records. May I remind members that under paragraph 7 of decision 34/401, the Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendation contained in the report of the First Committee, I should like to advise representatives that we shall proceed to take the decision in the same manner as was done in the First Committee.

The Assembly will now take a decision on the draft decision recommended by the First Committee in paragraph 7 of part II of its report (A/48/688/Add.1). The draft decision was adopted by the First Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft decision was adopted.

The President: I should like to extend to the Chairman of the First Committee, Ambassador von Wagner - who I believe has left New York - and his

Bureau my personal appreciation of the work done to expedite matters in the Committee.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 156?

It was so decided.

Reports of the Fifth Committee

The President: The Assembly will now consider the reports of the Fifth Committee on agenda items 127 and 173.

If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Fifth Committee that are before it today.

It was so decided.

The President: Statements will therefore be limited to explanations of vote or position.

The positions of delegations regarding the recommendations of the Fifth Committee have been made clear in the Committee and are reflected in the relevant official records. May I remind members that under paragraph 7 of decision 34/401, the Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I also remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Fifth Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Committee.

Agenda item 127 *(continued)*

Scale of assessments for the apportionment of the expenses of the United Nations: report of the Fifth Committee (Part II) (A/48/806/Add.1)

The President: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 4 of part II of its report.

The Fifth Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do the same?

The draft decision was adopted.

The President: We have thus concluded this stage of our consideration of agenda item 127.

Agenda item 173 *(continued)*

Financing of the United Nations Assistance Mission for Rwanda: report of the Fifth Committee (Part III) (A/48/828/Add.2)

The President: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 6 of Part III of its report.

The draft decision was adopted by the Fifth Committee without a vote. May I take it that the Assembly wishes to do the same?

The draft decision was adopted.

The President: May I also take it that it is the wish of the General Assembly to conclude its consideration of agenda item 173?

It was so decided.

Agenda item 181

Emergency assistance to the Republic of Moldova: draft resolution (A/48/L.64)

The President: In accordance with the decision taken earlier this morning, the Assembly will now consider agenda item 181. In this connection, the Assembly has before it a draft resolution contained in document A/48/L.64.

In view of the desire of the sponsors to dispose of this item expeditiously, I should like to consult the Assembly with a view to proceeding immediately to consider the draft resolution. In this connection, since the draft resolution has just been circulated, it would be necessary to waive the relevant provision of rule 78 of the rules of procedure. I should like, however, to remind members that the text of the draft resolution appeared in document A/48/986.

Rule 78 reads as follows:

> "As a general rule, no proposal shall be discussed or put to the vote at any meeting of the General Assembly unless copies of it have been circulated to all delegations not later than the day preceding the meeting."

Unless I hear any objections, I shall take it that the Assembly agrees to waive the relevant provision of rule 78.

It was so decided.

The President: I now call on the representative of Croatia to introduce draft resolution A/48/L.64.

Mr. Nobilo (Croatia): On behalf of the sponsors, I have the honour to introduce the draft resolution, entitled "Emergency assistance to the Republic of Moldova". I am also pleased to inform members that Estonia, Hungary, Mauritius and Mongolia have joined the sponsors listed in document A/48/L.64.

Under the draft resolution, the General Assembly would declare its solidarity with the Government and people of Moldova in their affliction, caused by the recent drought, hurricane and floods, which resulted in loss of life and destruction of property. Furthermore, the draft resolution would commend the efforts of the international community to supplement the efforts of the Government of the Republic of Moldova in relief operations and emergency assistance. The Assembly would also request all States to extend further support to the Republic of Moldova to alleviate the economic and financial burden borne by the Moldovan people. It would also call upon the Secretary-General, in cooperation with the relevant organs and organizations of the United Nations, to assist in the rehabilitation efforts of the Government of the Republic of Moldova.

On behalf of the sponsors, I call upon Member States to adopt the draft resolution without delay.

Mr. Barac (Romania): On behalf of the Government of Romania, I wish to express our deepest sympathy to the Government and people of the Republic of Moldova on the tragic loss of life and the extensive material damage that have resulted from the recent drought, hurricane and floods which have so seriously afflicted that country.

Romania has been following with hope and an intense sense of solidarity the courageous efforts of the Republic of Moldova aimed at forging a democratic society and building a market economy. The recent calamities cannot but aggravate the sharp difficulties inherent in the transition process in that country. That is why Romania co-sponsored the draft resolution and joined the appeal addressed to the international community for support for the Republic of Moldova.

Romania reacted quickly to the needs of the Republic of Moldova, although it sustained almost identical calamities on the right side of the River Prut. Multiple channels to provide assistance have been established.

At the governmental level, aid amounting to 1 billion lei has already been allotted; it consists of construction materials, food and other basic necessities. At the local level, various districts in the immediate vicinity of the affected areas have delivered food and clothes to neighbouring districts in the Republic of Moldova. Some other assistance operations have been started at the departmental level following an initiative of the Ministry of Health, which supplied tons of medicine on an emergency basis. All these actions continue.

My delegation strongly supports the appeal for generosity in the draft resolution, which, hopefully, will enjoy unanimous support. We are convinced that the goodwill displayed by the Member States present here will be followed by concrete and immediate proof of solidarity in assisting the rehabilitation efforts of the Republic of Moldova.

Mr. Kudryavtsev (Russian Federation) *(interpretation from Russian):* I wish first to express our sincere sympathy to the people of the Republic of Moldova over the loss of life resulting from the natural disasters that recently afflicted that country: unprecedented drought, a hurricane and flooding. The Russian Federation also shares the concern of the Government of the Republic of Moldova over the enormous, unprecedented material damage suffered by that country's economy.

The Russian Federation was one of the first to respond to the natural disasters afflicting the Republic of Moldova and to render it emergency humanitarian assistance. Three aeroplanes were sent from Russia to Moldova with foodstuffs, medicines and other necessities. In addition, $20,000 was allocated for the purchase of medicines. Russia's humanitarian assistance to Moldova continues, and additional measures are being considered.

Fully sharing the concern over the serious losses suffered by the economy of the Republic of Moldova, Russia was one of the first to become a sponsor of the draft resolution on emergency assistance. We call on all Member States to support this draft resolution. The delegation of Russia, the State now occupying the Chair of the Commonwealth of Independent States, expresses the hope that the international community and international organizations will make every effort to render the assistance needed by the Republic of Moldova to overcome the consequences of these natural disasters.

The President: We have heard the last speaker in the debate on this agenda item.

Before the Assembly proceeds to take a decision on the draft resolution, I should also like to express to the Government and the people of the Republic of Moldova, on behalf of the Assembly, our very sincere sympathy and solidarity in connection with the serious consequences of the recent disaster.

We shall now take a decision on draft resolution A/48/L.64. May I take it that the Assembly decides to adopt it?

The draft resolution was adopted (resolution 48/266).

Mr. Pantiru (Republic of Moldova): Allow me at the outset to express the gratitude of the people and the Government of the Republic of Moldova to Member States for their adoption of the draft resolution, which we hope and believe will make a significant contribution to the efforts to overcome the effects of the worst series of natural disasters in the recorded history of my country, consisting of drought, hurricane and floods. I should also like to express our very special gratitude to the countries which sponsored the draft resolution and submitted it for consideration during the session.

We see this resolution as one more demonstration of the solidarity of peoples and cooperation between nations, which is very important for such a small country as the Republic of Moldova, with its restricted human and material resources. Let me also once again express our sincere appreciation to the Governments and international agencies which have already provided humanitarian assistance.

I wish to assure the Assembly that the kind words of sympathy and support which we have just heard in this Hall will be transmitted to the Government and the people of the Republic of Moldova.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 181?

It was so decided.

Programme of work

The President: I should like to make an announcement regarding the financing of operational activities for development.

Members will recall that by annex I to resolution 48/162 of 20 December 1993, adopted under agenda item 56, entitled "Restructuring and revitalization of the United Nations in the economic, social and related fields", the Assembly stated that there was a need for a substantial increase in resources for operational activities. The Assembly decided in this regard that the process for facilitating the development of a new funding system would include consultations to be held in New York and negotiations on prospective new modalities for financing in a resumed session of the General Assembly in 1994.

In view of that decision, agenda item 56 should have been retained for consideration. At our next meeting, to be held on Monday, 19 September, which should also be our last meeting of the session, I should like to report briefly to the Assembly on the consultations carried out in the implementation of resolution 48/162.

The meeting rose at 11.10 a.m.